

Honorable Members of the House, Staff and Guests

First of all, thank you for allowing me to provide background information regarding Conservation Districts and stormwater in Blair County and across the Commonwealth and also the opportunity to comment on the MS4 program compliance from a District and County perspective. My name is Donna Fisher and I am speaking today in my capacity as the District Manager of the Blair County Conservation District and as a participant in the Blair County Intermunicipal Stormwater Committee (ISC).

Conservation districts are local units of government established under state law to carry out natural resource management programs. Districts work with landowners and local governments to help them manage and protect land and water resources on private and public lands. The county districts are led by a volunteer board of directors consisting of farmers, public members, and a member of the county government. The board identifies local conservation needs, decides which programs and services to offer, and develops a strategic plan so the district can continue to assist with their county natural resource projects.

Conservation district participation in the MS4 program as a local program are as varied as the counties themselves. There are 40 counties within Pennsylvania that have MS4 permittees. At the very least, most conservation districts provide education and outreach activities related to stormwater. Sometimes districts assist municipalities in their county who have MS4 programs. That assistance includes MOUs with the municipalities, reviewing erosion and sedimentation plans, implementing NPDES stormwater permitting programs, and other types of technical assistance. In some counties, a MS4 permit is required, and the district takes a lead role in all aspects of the program or participates in a countywide advisory or steering committee. Clearly, there is not a “one size fits all” approach by the conservation districts to tackle the difficult stormwater challenges many of us face.

As you know, the NPDES MS4 program is a Federal Program, delegated to the States and then passed to the local municipalities for implementation and compliance. Funds are not attached to the permits to administer the program nor to implement Best Management Practices associated with program compliance. **Staffing is a major challenge for many of our local entities. Funding is a monumental obstacle for compliance.**

How did we get to our point of compliance through collaboration in Blair County? The Environmental Protection Agency performed MS4 file reviews at the State level in 2010 resulting in deficiency letters being sent to many municipalities across Pennsylvania to include many in Blair County. In 2014, the EPA conducted an Inspection of the MS4 program in the City of Altoona. Needless to say, our collective attention for MS4 program requirements were heightened.

Meanwhile, as the municipalities were scrambling, Conservation Districts, when delegated by DEP for the Title 25, Chapter 102 Erosion and Sediment Pollution Control Program, are able to serve a support role to local municipalities for numerous targets and activities related to Minimum Control Measures required by the MS4 Permit. When a Conservation District authorizes an NPDES Permit for Stormwater Associated with Construction Activities; performs a site inspection; or responds to a complaint, the municipality is notified and thus our actions can be attributed to the annual reporting required for the Municipal MS4 permit. When the Conservation District provides an educational program or event related to construction, erosion and stormwater, again this serves to meet the municipal permittee’s MS4 Public Education Minimum Control Measure requirements. The field and staff presence of the

individual Conservation Districts often serves an **integral role** related to Municipal MS4 program compliance especially in **rural areas where municipal staff is limited**. It is a great partnership and one that has worked well in Blair County.

Blair County municipalities recognized the need for collaboration related to MS4 compliance starting in 2012 and have steadily worked toward a formalized approach to jointly manage, implement, fund and comply with the Federal Regulations. In Blair County, the municipalities have chosen to continue municipal specific permit applications but have undertaken many of the tasks related to program goals on a regional basis. Regionalization solidified partnerships between municipalities and cooperating agencies.

January 1, 2017 saw the formal creation of the Blair County Intergovernmental Stormwater Committee (ISC) on a 2-year trial basis. A Department of Community and Economic Development, Municipal Assistance Program (MAP) Grant was received to hire Blair County's first Stormwater Coordinator, hosted by the Blair County Conservation District to serve the ISC.

The regional approach has worked in Blair County! However, each Blair County Municipality impacted by the MS4 regulations, has participated in the effort and has expended time, administrative funds and more recently started contributing project funds for permit compliance. Regionalization maximized efficiency for the program in Blair County but it did not eliminate the burden for the individual municipalities. Rural municipalities and small Boroughs can easily become overwhelmed by the enormity of the permit requirements. Larger entities will struggle with the cost to implement Pollution Reduction Projects.

Effective January 1, 2019, the ISC was reauthorized for a 5-year time period through 2023 with all permitted municipalities in the current NPDES MS4 permit cycle participating. The County of Blair received a waiver in the current permit cycle but have continued their participation in the ISC. The current 5-year term agreement stipulates that municipal members will contribute administrative funds, as well as project funds regarding the implementation of the Collaborative Pollution Reduction Plan.

For Blair County's Pollution Reduction Plan (PRP), municipalities are required to reduce a total of 1.4 million pounds of sediment per year by the year 2023. The ISC laid the groundwork for the current 5-year MS4 permit cycle including establishing projects necessary to meet the required sediment reduction of the PRP, prioritizing the potential projects, and formulating a budget to design and construct the proposed projects.

To determine the 5-year term budget to encompass PRP Projects and ISC Administration, a Municipal Percentage Allocation Formula was developed for shared expenses. The Allocation formula was originally developed by the Environmental Finance Center and is based on population, stream length, and impervious surface. The estimated cost of the proposed PRP projects at \$6.9 million and the \$500,000 Administrative Cost was divided on a percentage basis among the municipalities to determine their financial responsibility over the 5-year term. I would draw your attention to the table as part of this testimony listing financial obligations for each Blair County MS4 Municipality, dollars range from \$43,000 to 2.86 million dollars per municipality. It is important to note that currently no Blair County Municipalities have adopted stormwater fees or "rain taxes".

Project implementation took off with the current permit cycle and a steady stream of pollution reduction is being accrued on a regional basis in Blair County. Limited grant funding for projects is available and the ISC and the Blair County Conservation District have been very successful in attaining grants and we continue to actively seek funding opportunities. However, no guarantee exists as to whether funding will be obtained or allocated at sufficient levels to fully fund projects. A dedicated source of grant funds for Municipal Stormwater Projects, as referenced in HB2153, could serve to alleviate some of the draw on municipal general fund budgets. It is also important that funds earmarked for Stormwater be “new money”, in that simply moving funds from other grant sources to fund a new initiative does not always serve the common good. As a conservation district representative this is of critical importance as we often serve multiple resource concerns within our county.

HB 2153 provides \$300 million in federal funds to counties and municipalities to address municipal MS4 compliance. Since some conservation districts assist their local counties and municipalities with MS4 permits, we can support federal funding going toward these activities.

You have also heard as part of my presentation that the Blair County Conservation District has received funding in the past to facilitate and advance our water quality monitoring efforts. I am a believer in water sampling to determine BMP Implementation success. We have been sampling in Blair County for about 20 years at numerous and varied locations and have meaningful data collected to both establish baselines and to show the benefits of BMP Implementation. I would caution that sampling does require resources, related to both personnel and financial, however, I believe that it can be money well spent.

HB 2331 allows conservation districts and other entities to conduct water testing and provide the results to DEP showing that communities are compliant with federal EPA water standards. Some conservation districts conduct water quality testing in their county, and it makes sense to allow the test results to be utilized by DEP.

As a partner to the Blair County ISC, the District understands the obligations set forth for MS4 Communities and the requirements for compliance that need to be achieved by the year 2023 and beyond. We hope that through meetings such as this one today, that the Legislature and the regulatory agencies (DEP and EPA) understand the magnitude of the financial obligations and staff resources required to effectively manage a municipal MS4 Program.

In conclusion, I believe the Blair County Intergovernmental Stormwater Committee will continue to strive towards compliance of the MS4 Program even though the cost for implementation has dramatically increased. Stormwater Pollution is coming to the forefront nationwide and it is only through collaboration that these concerns will be fully addressed.

Thank you for your attention and I would be happy to entertain any questions.

Blair County MS4 Financial Obligations for the current permit cycle (2019-2023) on an annual (2022) and 5-year basis

Member Municipality	2022 Allocation	Total 5-year Agreement
Allegheny Township	\$ 237,942	\$ 997,880
City of Altoona	\$ 669,844	\$ 2,863,841
Antis Township	\$ 95,523	\$ 400,602
Bellwood Borough	\$ 25,048	\$ 125,239
Blair Township	\$ 89,999	\$ 449,995
County of Blair	\$ 10,032	\$ 42,892
Duncansville Borough	\$ 35,071	\$ 149,973
Frankstown Township	\$ 114,376	\$ 489,002
Hollidaysburg Borough	\$ 120,188	\$ 600,937
Logan Township	\$ 316,264	\$ 1,352,152
Total Allocation	\$ 1,714,287	\$ 7,472,513