

JIM GERLACH

6TH DISTRICT, PENNSYLVANIA

HOUSE COMMITTEE ON WAYS AND MEANS  
SUBCOMMITTEE ON HEALTH  
SUBCOMMITTEE ON SELECT REVENUE MEASURES  
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**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3806

April 26, 2012

The Honorable Lisa Jackson  
Administrator  
The Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Ariel Rios Building, Suite 3000  
Washington, DC 20460

Dear Administrator Jackson:

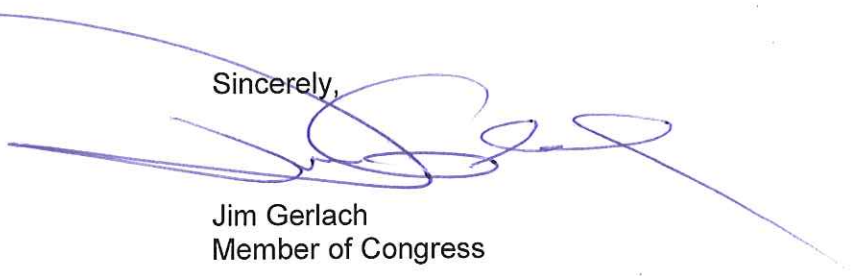
It has recently come to my attention that municipalities in my Congressional District are very concerned about the potential administrative and cost impacts of the new MS4 storm water management regulations by the EPA and the Pennsylvania Department of Environmental Protection (DEP).

Most specifically, I've received a lot of local official feedback regarding the concerns over the possibility that the EPA and the DEP may be requiring local municipalities to shoulder an inordinate and unreasonable burden in the management of storm water in the future. Per the attached letter from Michael J. Fox of the Pennsylvania Storm Water Coalition, it appears that both the EPA and the DEP have verbally agreed that municipalities will not be responsible for storm water within "urbanized areas," and only be responsible for storm water activities within "conveyance systems" that are under municipal control and operation.

Because this was a verbal statement made apparently at a recent meeting and not an EPA or DEP position in writing, I am writing to see if I can get written clarification on that point. It would be helpful if you could answer this question of responsibility directly so that I may share your response with my constituents. I look forward to hearing from you shortly and thank you very much for your cooperation.

With kind regards, I am

Sincerely,

  
Jim Gerlach  
Member of Congress

JG: LS

Cc: Michael Krancer, Secretary, Pennsylvania Department of Environmental Protection  
Cc: Michael J. Fox, Chairman, Pennsylvania Storm Water Coalition

DISTRICT OFFICES:

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Pennsylvania



Stormwater Coalition

February 13, 2012

The Honorable James Gerlach  
U.S. House of Representatives  
2442 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Gerlach:

I am writing concerning the federal National Pollution Discharge Elimination System (NPDES). Under new regulations promulgated by EPA to meet requirements of the Clean Streams Act, Pennsylvania municipalities are required to have an NPDES permit for discharge from their stormwater systems. The Pennsylvania Department of Environmental Protection (DEP) administers this program in the Commonwealth.

The 57 municipalities of the Pennsylvania Stormwater Coalition have been working very closely with the DEP on new regulations for what is commonly called PAG-13, the department's General Permit that municipalities must obtain as part of the NPDES. The permit establishes minimum control measures (MCM's) that municipalities agree to take to control stormwater runoff and to manage the quality of stormwater that discharges from their municipal separate storm sewer system (MS4) and then into the waters of the Commonwealth. The municipalities have closely monitored the development of these regulations because it is possible that compliance with some provisions could have a significant financial impact on their budgets.

One area that was of concern to the Coalition was whether a municipality would be responsible for all stormwater generated within its boundaries, i.e. "Urbanized Area," or only stormwater carried by conveyances that a municipality owned and operated. That is why we were very

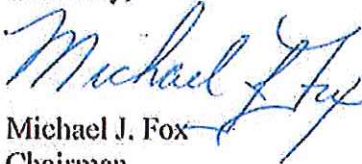
c/o Montgomery Township, 1001 Stump Road, Montgomeryville, PA 18936-9605, 215-393-6900

pleased to be told by EPA and DEP representatives at a January 5, 2012 training session that a municipality would only be responsible for stormwater carried by conveyances. This was a very important determination. We appreciate the consideration of the EPA and DEP in making this decision.

The Stormwater Coalition will continue to work with DEP to ensure that the PAG-13 regulations adequately protect our environment and are reasonable, responsible and attainable, while not creating significant financial hardships for municipalities.

Thank you for your time and service.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Fox". The signature is fluid and cursive, with a large "M" and "F".

Michael J. Fox  
Chairman

cc:

EPA Administrator Lisa Jackson

DEP Secretary Michael Krancer

Pennsylvania Stormwater Coalition members