

Congress of the United States
House of Representatives
Washington, DC 20515-3806

June 1, 2012

Mr. Michael Fox
Chairman
Montgomery Township Board of Supervisors
1001 Stump Rd
Montgomeryville, PA 18936


Dear Mr. Fox:


Knowing of your concerns about the proposed Municipal Separate Storm Sewer Systems (MS4) stormwater management regulations by the U.S. Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Protection (DEP), I wanted to take a quick minute to let you know that I, along with my colleague Congressman Charlie Dent of Lebanon, am working to address this on the federal level.

Attached please find a letter that Rep. Dent and I have sent to the House Interior, Environment, and Related Agencies Appropriations Subcommittee, which has jurisdiction over EPA's budget, requesting that language prohibiting the EPA from mandating that municipalities be responsible for stormwater beyond the "conveyance system" they own and operate be incorporated into the FY13 Interior Appropriations bill. The Subcommittee is in the process of drafting this bill and has indicated a willingness to consider this language and I will certainly keep you posted as this effort develops.

I am hopeful that this language is ultimately enacted so that cash-strapped municipalities across the Commonwealth will not face undue financial hardship as a result of overreach by the EPA with respect to the management of stormwater.

With kind regards, I am

Sincerely,


Jim Gerlach
Member of Congress

JG: ls

Cc: Lester O. Houck, President, Pennsylvania State Association of Township Supervisors
Cc: Ronald E. Evanko, President, Pennsylvania State Association of Boroughs
Cc: John A. Garner, Jr., Executive Director, Pennsylvania League of Cities & Municipalities
Cc: The Honorable Robert D. Robbins, Chairman, Pennsylvania Local Government Commission
Cc: The Honorable Tom C. Creighton, Chairman, Pennsylvania House Local Government Committee
Cc: The Honorable Robert Freeman, Democratic Chairman, Pennsylvania House Local Government Committee
Cc: The Honorable John H. Eichelberger, Jr., Chairman, Pennsylvania Senate Local Government Committee
Cc: The Honorable John P. Blake, Minority Chairman, Pennsylvania Senate Local Government Committee

DISTRICT OFFICES:

Congress of the United States
Washington, DC 20515

May 15, 2012

The Honorable Harold Rogers
Chairman
House Appropriations Committee
H-307 The Capitol
Washington, DC 20515

The Honorable Michael K. Simpson
Chairman
Subcommittee on Interior, Environment, and
Related Agencies
H-307 The Capitol
Washington, DC 20515

Dear Chairmen Rogers and Simpson:

Over the past few months, municipalities in our Congressional Districts and across the Commonwealth of PA have become increasingly concerned about the potential administrative and cost impacts of proposed Municipal Separate Storm Sewer Systems (MS4) stormwater management regulations by the U.S. Environmental Protection Agency (EPA).



At present, it appears PA's Department of Environmental Protection and the EPA have entered into a verbal agreement that municipalities will not be responsible for stormwater within "urbanized areas" in the municipality and only be responsible for stormwater activities within "conveyance systems" that are under municipal control and operation. However, we have nothing in writing from EPA to this effect and many are concerned that the EPA may move in the future to apply these regulations to stormwater within "urbanized areas." This would, in turn, make municipalities responsible for all stormwater management within their borders, even on all private property, and compel them to raise taxes enormously to meet the burden of such a federal mandate.

Since you are in the process of crafting the FY13 Interior, Environment, and Related Agencies Appropriations bill, we would therefore like to work with you on including language to prohibit the EPA from mandating that municipalities be responsible for stormwater beyond the "conveyance system" they own and operate.

We thank you for your consideration of this request and look forward to working with you on drafting policies that ensure our municipalities are not required to shoulder an inordinate and unreasonable burden in the management of stormwater in the future.

With kind regards, I am

Sincerely,


Jim Gerlach
Member of Congress
Charles Dent
Member of Congress

**AMENDMENT TO INTERIOR AND ENVIRONMENT
APPROPRIATIONS BILL
OFFERED BY MR. DENT OF PENNSYLVANIA**

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. _____. Section 402(p)(3) of the Federal Water
2 Pollution Control Act (33 U.S.C. 1342(p)(3)) is amended
3 by adding at the end the following new subparagraph:

4 “(C) LIMITATION.—The Administrator or
5 a State may not require a municipality oper-
6 ating a municipal separate storm sewer system
7 serving a population of less than 100,000 to ob-
8 tain a permit under this subsection for a dis-
9 charge that—

10 “(i) is composed entirely of
11 stormwater from a facility that is not
12 owned or operated by the municipality; and
13 “(ii) does not enter into the municipal
14 separate storm sewer system.”.

