

David Salley

From: brian@sportsbusiness.com
ent: Friday, August 4, 2017 3:33 PM
To: David Salley
Cc: stormwater@sportsbusiness.com
Subject: Mount Joy Borough Stormwater Management Pollutant Reduction Plan Public Comments

To: Dave Salley, Stormwater Enforcement Officer, Mount Joy Borough

Please accept the following as my public comments for inclusion in the Mount Joy Borough Stormwater Management Pollutant Reduction Plan as published recently on <http://www.mountjoyborough.com>

Brian Youngerman
663 Florin Avenue
Mount Joy, PA 17552
Stormwater@sportsbusiness.com

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A clean Chesapeake Bay and its tributaries, along with a vibrant economy for the region, is an important quality of life issue, and with the right balance of cost and efficiency, these goals can be achieved. But they cannot be achieved under current regulations.

The Chesapeake Bay Agreement of 2014 states that "Local governments are key partners in our work."

This is not true. Local governments are not partners, we are prisoners. We are burdened with costs, fees, and additional taxes for seemingly limitless stormwater management regulations and improvements of the Bay. These are funds that could go to improve schools, build parks, and improve the quality of life upstream of the Bay.

The stormwater regulations and Chesapeake Bay cleanup provisions place the costs upon those upstream, but do not provide transparency as to the economic hardships on those communities. Legislation and regulations should be amended so that all remediation and BMPs costs should be clearly made public, as well as other economic hardships, including loss of economic development, loss of jobs, loss of property, and other costs due to stormwater management.

Chesapeake Bay huggers are holding these municipalities hostage to their draconian, overreaching, poorly implemented plans to save the Bay. There is no balance between economic hardship and stormwater cleanup effectiveness.

The current 10% reduction in stormwater pollutant load would, on the face of it, seem to be an unusually swift, harsh, expensive mandate that leaves municipalities like Mount Joy with few good choices on how to meet this huge burden. A slower, more measured response to the problem of Bay pollution would seem to allow for more thorough analysis of longer-range solutions to the problem. Instead, the municipalities like Mount Joy Borough in Pennsylvania are left trying to find and fund knee-jerk reactions to what appears to be knee-jerk legislation of a problem that requires a thoughtful approach.

It is not the Borough's fault that it has been left with few good choices on stormwater remediation.

The Bay Agreements of 1983 and 2014 and current stormwater control mandates also do not seem to allow for even the remotest possibility that these controls and mandates just might work. That is, even

the most successful stormwater remediation programs and BMPs will not save municipalities like Mount Joy from perpetual, high-cost burdens which provide questionable success towards environmental issues.

For example, according to Chesapeake Progress at:

<http://www.chesapeakeprogress.com/abundant-life/blue-crab-abundance>

the adult female blue crab population increased in 2016 by 31%, to 254 million, a number exceeding the target level. But even with this success of Bay rejuvenation, there will apparently be no relief upon those who are bearing the draconian costs of Bay improvement.

But this environmental success means nothing to those who would continue to call for even greater, more costly restrictions upon upstream communities.

Instead, the Bay agreements and related legislation have no balance to them. For example, a measure that costs \$10 million to municipalities, but results in only a .000001% improvement in the Bay would seem to be on the menu. Instead, there should be balance in eliminating the most costly BMPs which result in the smallest gains.

Which, in reality, is the most unfair part of legislative initiatives to control stormwater. While those downstream in the Bay would seem to reap the financial and economic benefits of stormwater management policies, the burden still falls upon those in the upstream watershed.

This burden/benefit dichotomy is the most unfortunate part of stormwater management policies, but not the only unfair and unfortunate part of the mandates upon the victims of the watershed.

Policies call for nearly equal stormwater pollutant reductions of 10% upon every municipality in the watershed, regardless of a variety of factors that might differentiate their possible damage to the Bay. These factors include geography, proximity, impervious surface, availability of potential BMPs, and other factors which attempt to shoe horn a one-size-fits-all solution to municipalities which are as diverse as the people who live in them.

Indeed, the notion that 10% is somehow the correct number for pollutant reduction is actually ludicrous and brings into doubt the motives of the program. Is it possible that 9% could be the true number that is needed? Perhaps 8% or 7% would be sufficient. The 10% number just seems too convenient and arbitrarily generated, and done so without regard to the cost to those upstream.

However, the regulations do not take any of this into account, certainly not with the Borough of Mount Joy, which is an older, aging, economically struggling community with few good BMP options. Mount Joy is nearly completely "built out," whereby stormwater management regulations could have been more fairly, easily, and economically implemented before further development had taken place.

One of these limited options is identified as BMP-OP005BR1, currently a dry detention basin identified on page 93 (et seq) of the Mount Joy Borough Stormwater Pollutant Reduction Plan.

While it may seem common sense to consider turning this BMP into another kind of BMP, it comes about at a potentially enormous, possibly destructive cost to residents along this dry bed.

During Hurricane Sandy in 2012, several residents whose homes feature BMP-OP005BR1 as their backyard suffered basement flooding. According to one Mount Joy resident, the dry detention pond overflowed its banks, sending water into the backyard of the resident, and ultimately, into his basement. His next door neighbor, who also suffered water damage, sold his house and is unavailable for further information.

Any attempt to turn this dry detention pool into a wet lake could result in nearly perpetual damage to the homes alongside it. I object to any attempt to turn this BMP into a wet lake unless and until further analysis is done to discover:

1. The chance that this BMP sends water over its top and onto residents' lawns and backyards.

2. The chance that water seeps from the wet retention pond into residents' basements.
3. Will sump pumps remedy the problem?
4. The costs for additional insurance to be born by residents.
5. Who will pay for measures to insure against damage done to resident's property?

Much more investigation and analysis should be done before turning this BMP into a BMP. As stated previously, no economic analysis has been done, nor is required, by the stormwater regulations. Such an economic analysis should be done, not to mention the potential harm to property that can come from BMPs.

In conclusion, the current stormwater management policies enacted by the State of Pennsylvania have created an unfunded, expensive, and limitless financial and economic burden on residents, taxpayers, property owners, and municipalities upstream from the Chesapeake Bay.

While the benefits of environmental protection and remediation are important, any and all programs to improve the Chesapeake Bay should be carefully scrutinized, evaluated, and modified to provide the most benefits at the least economic costs. And those costs should be clearly identified in the analysis so there can be transparency for those who are bearing the costs of stormwater management and Chesapeake Bay cleanup.

Brian Youngerman
663 Florin Ave.
Mount Joy, PA 17552
Stormwater@sportsbusiness.com

8/4/17 – Mr. Brian Youngerman

1. The existing BMP within the Arbor Rose Community Association has not been selected for implementation, therefore, no further consideration is required.
2. The remainder of the submission is commentary on the program and does not affect the Borough's Pollutant Reduction Plan.