

**Chatham Run and Fishing Creek  
Act 167 Stormwater Management Plan Update  
Meeting  
March 22, 2006**

Watershed Planning Advisory Committee Meeting:

Meeting started at 7:10 p.m.

**Mary Ann Bower** welcomed everyone and introduced County Officials and key people involved in the process of updating the Chatham Run and the Fishing Creek Stormwater Management (SWM) Plans. She introduced Todd Pysher, of Pysher and Associates who is the Project Engineer. She reported on the process of the Chatham Run SWM Plan Update since 2002. The Clinton County Soil Survey was recently updated during the process of the Stormwater Management (SWM) plan update. It was discovered that the original SWM Plan for Chatham Run had incorrectly identified the Hydrologic groups. Also the maps were very poor. Fishing Creek SWM Plan Update will involve deleting the original exemption chart and following the new exemptions listed in the Model Ordinance. The original Fishing Creek watershed rate release maps will remain the same. The State Department of Environmental Protection is recommending that Municipalities adopt the new Model Ordinance municipal-wide, not just in the watershed study area.

**Tahmina Parvin** from Department of Environmental Protection (DEP) Stormwater Planning and Management Section, showed a PowerPoint Presentation overview of Act 167 Stormwater Management Planning. She reported on the purpose of Act 167 and planning process. She explained the calculations for the Area of Influence and the Impervious Area that are included as Appendix D of the Model Ordinance.

**Barry Newman**, DEP, Stormwater Planning and Management Section Chief, reported that 75% of a municipality's expenses for implementing the SWM Plan is reimbursable by the State. Almost all expenses are reimbursable except litigation over implementing the plan. All other expense are reimbursable including: advertising, engineers time, municipal personnel time, solicitors time, etc.

Barry also reported that action can be taken by DEP against municipalities if they are found in violation.

**Chuck Sweeney**, Clinton County Planning Commission, asked, "Why haven't more plans been done in Pennsylvania over 30 years that Act 167 has been in place?" "The Act appears to be a failure."

Barry reported that initially the Act itself was viewed as a permitting tool, not a planning process. He also reported that Act 167 was not aggressively implemented as it could have and should have been over the past 30 years. When NPDES Phase II came into effect, is when the Act 167 plans were reevaluated. Act 167 is a critical tool for water quality.

**Todd Pysher** reported that the problems that were encountered while updating the Chatham Run SWM Plan were with soil hydrologic groups. The data that the GIS now has available from the updated Soil Survey changed engineering modeling for the plan.

He also reported that the Chatham Run SWM Plan that was distributed at the meeting is much smaller than it used to be. There were several things removed such as: compilations, tables, etc. (Todd referred to specific sections in the plan.)

The Fishing Creek SWM Plan will remain the same with the deletion of the exemption table and the new Model Ordinance..

The Model Ordinance is Chapter 8 of the Chatham Run SWM Plan and Chapter 11 of the Fishing Creek SWM Plan. This Model Ordinance is to be used by the municipalities and made specific for each individual municipality. The Model Ordinance should be adopted by each municipality at a public meeting. The municipalities should consult their municipal engineers and solicitors. This “model” ordinance can be changed to suit each municipality as long as it addresses the SWM Plan. Also, the Model Ordinance is meant to be implemented municipality-wide not just within the Chatham Run and Fishing Creek Watershed areas.

Below are some of the discussion items from that meeting as they pertain to the Model Ordinance:

- Section 301, D - Municipalities should require pre-applications meetings with developers and their engineers prior to issuing any Occupancy permits. If pre-applications meetings are required it could eliminate confusion, people being left out of the planning process, other agency permit requirements, and it could also save time and money. Municipalities may however add a sentence stating that “it be required unless waived by the Township Engineer”,
- Section 304 - relates to areas covered by a Release Rate Map (Fishing Creek) or not covered (Chatham Run)
- Section 401 - Signature blocks - - The first signature block is for the municipal officials, only stating that they reviewed the plan along with the applicable ordinances. The other signature block should be for the site plan was prepared in accordance with all applicable ordinances.
- Section 402 - Plan Submission - 5 copies of the plan will need to be submitted to various departments.
- Section 403, C - The municipalities should be including an expiration date for the SWM Site Plan so that if the construction isn’t completed, the permits that were issued could be revoked.
- Section 601 - The cost of the municipal Engineer’s review can be passed on to the Developers. Question on whether legal fees can also be collected.
- Section 803 - Enforcement
- Section 805 - Penalties (this should be discussed with your solicitor) There were questions about it being a summary offense
- Appendix A - Low Impact Development Practices, Alternative Approach for Managing Stormwater Runoff.
- Appendix B - List of Best Management Practices
- Appendix C - Operation and Maintenance agreement between the Landowner/Developer and the Municipality could be a very important tool.
- Appendix D - Please note the Area of Influence and Total Impervious Area calculations used to determine exemptions from SWM site plan development.

The municipalities should have separate delegation agreements for Act 167. If the County Planning Commission is issuing the Occupancy Permits for the municipality, Act 167 **IS NOT** automatically included without a separate agreement. The municipality is still responsible for enforcing Act 167.

**Mr. Tom Bossert** asked, "Can the County opt out of having a delegation agreement for SWM enforcement even if they are issuing the Occupancy Permits?" "Can adjacent municipalities use the same Stormwater Management enforcement officer?"

**Mr. Paul Welch** responded, "Absolutely, two or several municipalities can have agreements to use the same SWM enforcement officer." The County does not have to be the enforcing officer for Act 167.

**Barry Newman** suggested adding a phrase to the Model Ordinance - Section 301D that states a Pre-Application meeting can be waived at the discretion of the municipality.

Todd and Mary Ann reported that comments on the draft plans are due by May 5, 2006, to the Conservation District. The Final Plans will be adopted by the County Commissioners on June 15, 2006, following a Public Hearing. Municipalities will have 6 months from that date to adopt their own ordinance.

**Mary Ann** thanked everyone for attending the meeting.

Meeting ended at 9:15 p.m.

Submitted by:  
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