



Testimony of Jill Whitcomb

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Before the House Republican Policy Committee

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Good morning, Chairman Rowe, Representative Pugh, and members of the Pennsylvania House Republican Policy Committee. On behalf of the Pennsylvania Department of Environmental Protection (DEP), I want to thank you for the opportunity to provide written testimony related to the co-sponsorship memo recently circulated by Representative Pugh about permit requirements for municipal separate storm sewer systems (MS4s) and funding options available to support MS4s in meeting those permit requirements.

As stormwater flows across lawns, parking lots, roadways, and other land uses in our urban and developed communities, it can pick up an array of pollutants including petroleum products, sediment, fertilizers, pesticides, and bacteria. As such, discharges from MS4s can introduce these pollutants into surface waters, which can harm aquatic life and pose health risks to people who use the water for drinking and/or for recreational pursuits. Storm sewers and stormwater runoff across urbanized landscapes are among the top sources of pollutants of Pennsylvania waterways, with over 4,500 miles of streams polluted by these sources statewide. Stormwater infrastructure can be considered in a similar manner to other local water utilities, whereby the management and conveyance of stormwater is just as important for the community's quality of life as wastewater and drinking water.

MS4s that discharge to surface waters are required to obtain National Pollutant Discharge Elimination System (NPDES) permits under the federal Clean Water Act (CWA). This federal permitting program is delegated to DEP by the United States Environmental Protection Agency (EPA) and administered in Pennsylvania by DEP.

MS4 permits require permittees to meet certain permit terms, including a set of minimum control measures and best management practices (BMPs), to ensure discharges from MS4s will not cause or contribute to pollution of surface waters. If MS4 permittees discharge to impaired waters, their MS4 permit also requires implementation of certain measures to reduce pollutants in the MS4 discharges. It is important to note that the MS4 program does not direct or require any one specific revenue source for meeting the permit requirements.

DEP recognizes that meeting MS4 permit requirements can be costly for permittees and is interested in discussing how the Commonwealth can further support local governments in addressing stormwater and other water-related infrastructure needs. DEP has been actively working with our local government and non-governmental partners to streamline existing funding programs and minimize administrative burden on the part of the grantees. A very important insight provided to DEP from grantees is that it becomes increasingly difficult to manage multiple funding sources and instead they would benefit from a single funding source on a per project basis. This is one reason why DEP reduced, and in some cases eliminated, the match requirements for our watershed restoration grant programs, like Growing Greener. In light of this work, and due to what DEP has heard from hundreds of grantees, we recommend that an efficient way to fund MS4 implementation would be to further invest in one of our existing funding programs that local governments and communities are already familiar with to plan, implement, maintain, and improve their stormwater infrastructure, volume management, and flood resilience.

Funding from the Environmental Stewardship Fund (ESF), like Growing Greener, is invested in watershed restoration projects, including but not limited to those in the urban and developed sectors. Municipalities and other eligible entities can apply for Growing Greener funding to meet MS4 and other stormwater management goals. For example, in 2019 and 2020, the Wyoming Valley Sanitary Authority (WVSA) received more than \$530,000 in three Growing Greener grants to support MS4 project implementation. Growing Greener continues to be oversubscribed, with much more interest and applications than available funding. There are opportunities to further invest in the ESF to support stormwater infrastructure investments and maintenance under the existing legal, regulatory, and policy framework.

The Clean Water State Revolving Fund (CWSRF), jointly administered by DEP and the Pennsylvania Infrastructure Investment Authority (PENNVEST), provides low-interest loans and grants to point and nonpoint source projects, including those related to stormwater. WVSA has obtained PENNVEST funding for stormwater management through a low-interest loan totaling more than \$985,000. Bethlehem Township Authority's Phase 1 Pollution Reduction Plan (PRP) Project consisted of stormwater basin retrofits at four (4) stormwater basins throughout the Township. Retrofitting the basins provides greater stormwater retention and pollutant reduction through stormwater infiltration. Project funding was provided through a PENNVEST low-interest loan for more than \$2.47 million.

Since FY2022, DEP has received funding from the General Assembly for counties and municipalities to implement the Pennsylvania Stormwater Management Act (Act 167 of 1978).

While this is different than the MS4 permit, implementation of stormwater management practices can meet both federal and state obligations for stormwater management. Once counties have an approved Act 167 plan, municipalities are eligible for reimbursements for implementation through a streamlined rebate program. The stormwater management planning funding is available in two phases: the first phase for counties to prepare a scope of study for a new or updated plan, and a second phase for completing the detailed plan. Phase I funding is announced through the Growing Greener Plus grant program, which is available annually and will open again on April 22, 2026. For example, in January of this year, Luzerne County was awarded \$50,000 in Phase I funding to prepare a scope of study to get started on updating the county's stormwater management plan. Once this scope of study is complete, the county will be eligible for additional funding to complete the update of their stormwater management plan. At this time, this funding program has been undersubscribed, but there are opportunities to further advance the Act 167 stormwater management planning and implementation program with the help of the General Assembly.

DEP looks forward to working with the committee and other partners to further support local communities in Pennsylvania.