

Good Morning and thank you for allowing me to speak on this important issue.

My name is Mike Stash, a resident of Lehman Township, Luzerne County and here is my experience with the Rain Tax:

In the summer of 2018, many citizens across selected municipalities of Luzerne County began hearing rumors about a new tax—one that would charge us based on our rooftops and driveways. At first, many dismissed it as a joke. However, in January 2019, those rumors became reality when residents in 32 communities received a new bill labeled a “stormwater fee.”

As you know, this fee is based on the amount of impervious surfaces on a property. While many households received annual bills of \$60—others—like mine, were charged several hundred dollars. Even more concerning, some residents received bills totaling several thousands of dollars. Businesses and nonprofits were also burdened with similarly high costs.

In response, citizens organized rallies to oppose what we viewed as an unfair and inequitable tax. We formed a 501(c)(3) to engage with local lawmakers, investigate the issue and advocate for its elimination. Our communities were soon filled with signs reading “END THE RAIN TAX!”

Momentum appeared to be building. On Election Day 2020, the issue even reached President Trump, who responded to a local radio host by stating the rain tax was “ridiculous and unfair!” He said “We’re getting rid of that—it’s going to be done,” and indicated he would explore an executive order to address it.

However, following the 2020 election and amid the disruptions of the pandemic, efforts to challenge the Rain Tax lost momentum. Despite this, the issue remains unresolved. Many residents—like myself—now face liens placed on our properties. After six years and millions of dollars being extracted from hard working families, serious questions still remain.

To fully understand these concerns, it is important to examine the origins of the Rain Tax. It appears to stem from an executive order 13508, signed by President Obama in May 2010. This order identified three “pollutants” of nitrogen, phosphorus and sediment which would be measured and controlled in a proposed “final strategy” for the Chesapeake Bay cleanup and restoration. Part of these control measures were to go upstream and through the threat of court action, force Pennsylvania’s DEP to impose ridiculously high MS4 stormwater permitting fees on area municipalities.

When forced to comply, area municipalities were faced with a choice...Bankruptcy or join up with local authorities which would collectively administer programs to mitigate these outrageous MS4 fees. In doing so, municipalities passed the burden directly onto the backs of the homeowners, businesses, churches and nonprofits.

So here are some facts and accompanying questions that still remain on the controversial Rain Tax:

1. After six years and millions of dollars extracted from the local economy, what measurable results have been achieved?
2. Why are the 32 communities still the only ones responsible for paying this tax?
3. Why are rural properties often charged disproportionately, without receiving credit for the forests and ponds that help filter water?
4. Why is Luzerne County itself not subject to this tax?
5. Why has the Commonwealth of Pennsylvania declined to pay it?
6. Why was topography never considered in determining charges?
7. Have the effectiveness of mitigation measures—such as rain gardens, riparian buffers and street sweepers— been thoroughly evaluated?
8. Why has the Pennsylvania Supreme Court not yet ruled on the West Chester University case, in which the Commonwealth Court determined the stormwater fee to be a tax and therefore impermissible?
9. Given that sediment is a result of natural byproduct of geological processes, is it truly cost-effective to deploy expensive, diesel powered street sweepers to address it? Notably, the Susquehanna River's name itself translates to "muddy river."
10. As neighboring states like New York and Maryland continue to contribute pollution to the Chesapeake Bay through major sewage failures, what recourse do participating local communities have to seek restitution?

In the spirit of responsible and common sense government, residents deserve clear and honest answers. At a time when households are already facing rising utility bills and energy costs, relief from this unfair federal mandate burden is essential. Certainly, a more equitable solution to stormwater management can be developed!

Thank You,

— Mike Stash