

Hello everyone, my name is Frank Hesch and I am your Borough of Bath Council President.

I want to you all for coming to tonight's Town Hall. The reason for tonight's discussion is the topic of MS4 otherwise known as Municipal Separate Storm Sewer System. Many of you who have attended Borough Council Meetings know that this topic frequently has come up over the past number of years.

So what is MS4?

This explanation comes from a Pennsylvania Department of Environmental Protection Public Hearing dated June 13, 2022:

The Municipal Separate Storm Sewer System (MS4) Program Stormwater runoff is generated from rain and snowmelt events that flow over land or impervious surfaces, such as paved streets, parking lots, and building rooftops. Impervious surfaces prevent the water from soaking into the ground. This runoff picks up pollutants such as trash, chemicals, oils, and dirt or sediment that can harm our streams, rivers, and lakes. To protect these resources, Stormwater Best Management Practices or BMPs are used to capture and treat pollutants in runoff. Stormwater BMPs, such as rain gardens, are typically ponds or other structures that collect runoff and infiltrate it into the ground or treat and release it. These BMPs can also serve to slow down stormwater, which can help prevent flash flooding in heavy storms.

Development of urban and suburban areas are major contributors to pollutants in runoff as well as negative impacts to waterways caused by increased volumes and rates of runoff from impervious surfaces. Increasing the extent of areas covered with impervious surfaces in a watershed can cause problematic changes in hydrology and water quality. The MS4 program seeks to address those problems. The MS4 program was created by federal regulations in the 1990s. The first MS4 permits in Pennsylvania were issued in 1997 to Allentown and Philadelphia as Large MS4s under "Phase I" of EPA's MS4 program. Large MS4s are those serving a population of at least 250,000 people. "Phase II" permits for Small MS4s were issued beginning in 2003; small MS4s are those with Urbanized Areas as determined by the federal Census Bureau or are designated by the permitting authority (e.g., DEP). Examples of small non-municipal MS4s that have been designated by EPA or DEP include universities, prisons, and transportation agencies. The current number of MS4s in Pennsylvania is 1,064, a figure that may increase as a result of the 2020 census.

The Borough of Bath has been tasked, by the State of Pennsylvania, to implement multiple MS4 projects within the Borough limits. The cost of these projects are in the hundreds of thousands of dollars range. By December 31, 2027 the Borough of Bath must fulfil these mandated requirements or face fines from the State of Pennsylvania.

To address these issues Borough Council has created an MS4 Committee. The Committee was formed more than a year ago and has been meeting regularly to look at what options are available to the Borough, what the expected costs will be to the Borough, what penalties would the Borough face for failure to comply with these requirements, is a separate MS4 Authority needed, how will all of this be funded.

Along with the forming of an MS4 Committee, Borough Council has retained special legal counsel who specializes in MS4 related topics. Borough Council has also called on our Engineering Firm to report back findings of how other municipalities are dealing with this issue and what the logistics of project implementation will demand.

It must be noted that the Borough of Bath has had no say in these mandated requirements. They came down from the State, without debate, and without many if any funding or grant opportunities. What I am saying, in my own personal words is “we were basically told this is what you must do, we won’t be able to give you much money to do the tasks, oh and if you do not do them then we will fine you significantly.”

I ask for all residents to understand the weight of this situation. The Borough is tasked with a very large and expensive responsibility. This responsibility will not go away. After the 2027 requirements are met, you can be sure that a new set of tasks will be handed down to us from the State. This will be an ongoing expense to the Borough. We are not alone in this as most every other municipality around us is faced with the same demands.

Tonight you will hear from our Special Counsel, Borough Engineer, and members of the MS4 Committee. We welcome your participation and you will be allowed to ask questions.

The goal of tonight is to get feedback from residents and business owners so that the MS4 Committee can digest the information and make their recommendation or recommendations to Borough Council. It should also be noted that those landowners which large impervious areas will be met with and talked to over the coming months.

As always I ask for our discussion to be civil.

Introductions.....

Lee Stinnett – Salzmann Hughes, Special Counsel

Ron Madison – Colliers Engineering & Design, Borough Engineer

Brad Flynn – Borough Manager

MS4 Committee –

Manny Mirabito, Committee Chair

Lauren Bullsnake

Samantha Angst

Frank Hesch

Tonight we will first hear a presentation then we will take questions.....

<Pledge of Allegiance>