



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southwest Regional Office

May 31, 2018

Kay Pierce, Manager
Planning Division
Allegheny County Economic Development
One Chatham Center, Suite 900
112 Washington Place
Pittsburgh, PA 15219

RE: Approval of Allegheny County Act 167 Countywide Storm Water Management Plan

Dear Ms. Pierce:

On December 6, 2017, Allegheny County Council adopted the Allegheny County Act 167 Phase 2 Storm Water Management Plan (SMP). The SMP was submitted to the Department of Environmental Protection (DEP) for review and approval in accordance with Section 9 of the Storm Water Management Act (1978 Act 167) on January 3, 2018. The submittal included information showing compliance with the municipal and regional review and adoption procedures specified in Sections 6 and 8 of Act 167. On March 15, 2018 DEP provided comments to Allegheny County Economic Development on the SMP. A meeting was held on April 19, 2018 between representatives of DEP, Allegheny County Economic Development, and the Allegheny County Conservation District to discuss those comments. On May 7, 2018, Allegheny County submitted revised material that resolved all the comments. On May 22, 2018 DEP received copies of the SMP that included all revisions.

DEP has reviewed the SMP and found it to be consistent with the purpose and policy of the Act 167 Storm Water Management Act.

DEP hereby approves the SMP.

According to Section 11(b) of Act 167, municipalities subject to the SMP must enact or amend and implement such ordinances as necessary to regulate development in a manner consistent with the SMP within 6 months of approval of the SMP. As such, ordinances must be enacted or amended and implemented by December 1, 2018. Municipalities are encouraged to use the model ordinance included with the SMP. DEP requests that the status of the development or amending of ordinances by the affected municipalities in Allegheny County be provided to DEP by Allegheny County Economic Development within a reasonable time after December 1, 2018.

At this time, Act 167 Storm Water Management reimbursement funds have not been appropriated by the legislature to provide reimbursement for costs pursuant to Section 17 Grants and reimbursements of the Pennsylvania Storm Water Management Act. DEP approval of this SMP does not obligate DEP, in the absence of such legislative appropriation, to provide any reimbursement of costs associated with developing or amending the SMP or with any other associated costs.

Allegheny County has developed a Mini Grant Program to provide funding to assist municipalities in preparing and adopting storm water management ordinances consistent with the SMP. Program guidelines will be determined and all administrative functions will be managed by Allegheny County.

Any person aggrieved by this decision may appeal pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg PA 17105-8547, telephone number 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service at 1-800-654-5984. Appeals must be filed within 30 days of receipt of written notice of this decision, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in itself, create any right of appeal beyond that permitted by the applicable statutes and decisional law.

Thank you for participating in the Storm Water Management Program. We hope that Allegheny County receives many benefits as a result of adopting the SMP and its accompanying Storm Water Management Ordinance. If you have any questions or need further assistance, please contact me by e-mail at jfliss@pa.gov or by telephone at 412-442-4207.

Sincerely,



Jeffrey J. Fliss, P.E.

Watershed Manager

Waterways and Wetlands Program

Department of Environmental Protection

cc: Lee Murphy, PADEP
Dana Drake P.E., PADEP
Heather Dodson, P.E., Michael Baker International
William McClain, Allegheny County Economic Development
Kelly McLaughlin, Allegheny County Conservation District



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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southwest Regional Office

May 31, 2018

To: Allegheny County Municipal Officials

RE: Implementation of the Allegheny County Act 167 Phase 2 Storm water Management Plan (SMP)

Dear Municipal Official:

The subject Act 167 SMP was adopted by Allegheny County Council on December 6, 2017 and approved by the Department of Environmental Protection (DEP) on May 31, 2018 pursuant to the Storm Water Management Act, Act of October 4, 1978, 32 P.S., P.L. 864, (No. 167), Section 680.1 et seq., as amended by Act 63 of May 24, 1984, and the Storm Water Management Guidelines as approved by the General Assembly on May 14, 1985.

Section 11(b) of the Storm Water Management Act requires each municipality within the area covered by the subject SMP to adopt or amend and implement such ordinances and regulations, including zoning, subdivision and development, building code, and erosion and sedimentation ordinances as are necessary to regulate development within the municipality in a manner consistent with the SMP and the provisions of the Storm Water Management Act. A model Storm Water Management Ordinance was prepared by Allegheny County as part of the SMP.

The deadline for enacting an ordinance or amending an existing ordinance to satisfy these requirements and be consistent with the model ordinance is December 1, 2018. That date is six (6) months from the approval date of the SMP by the DEP. Please provide a copy of this letter to your solicitor regarding your obligation to implement the subject SMP.


Please notify Allegheny County Economic Development immediately after your municipality enacts or amends ordinances as necessary to meet the requirements of the Storm Water Management Act. This notification shall include the SMP name, ordinance number, and date the ordinance was enacted to meet the requirements of the SMP and the Act.

At this time, Act 167 Storm Water Management reimbursement funds have not been appropriated by the legislature to provide grants or reimbursement for costs pursuant to Section 17 of the Pennsylvania Storm Water Management Act. DEP approval of the SMP does not obligate DEP, in the absence of such legislative appropriation, to provide any grants or reimbursement of costs associated with developing or amending ordinances or regulations associated with the SMP.

Allegheny County has developed a Mini Grant Program to provide funding to assist municipalities in preparing and adopting storm water management ordinances consistent with the SMP. Program guidelines will be determined and all administrative functions will be managed by Allegheny County.

Thank you for your interest and participation in the Storm Water Management Program.

Sincerely,



Jeffrey J. Fliss, P.E.

Watershed Manager

Waterways and Wetlands Program

Department of Environmental Protection

cc: Lee Murphy, PADEP
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