

ENERGY ALERT

STORMWATER AUTHORITIES ARE COMING TO PENNSYLVANIA

Local governments will soon have a new tool to address flooding and pollution to our streams and rivers. Act 68 of 2013 authorizes new or existing municipal authorities to undertake stormwater planning, management and implementation. It becomes effective on September 7, 2013.

Municipalities in Pennsylvania and across the nation are facing the growing problems presented by stormwater runoff. Stormwater is rainfall or snowmelt that runs off the ground or impervious surfaces such as buildings, roads, and parking lots. Runoff that is not properly managed causes flooding and causes water pollution. Millions of dollars are spent each year treating “raw” water to eliminate the pollutants drained into water bodies and rectifying the damage to public and private property caused by uncontrolled stormwater runoff.

“Stormwater authorities” will be responsible for funding the operation, construction and maintenance of stormwater management devices, for stormwater system planning, and management. They will also allow municipalities to work together to address stormwater issues on a municipal or watershed basis. Most likely, these efforts of stormwater authorities will be funded by a user fee (as distinguished from a tax) for property owners within a municipality or watershed. These fees would reduce reliance on “general” municipal funds and would create a stable and reliable mechanism for recovering the costs of stormwater services.

How are stormwater projects started? Existing authorities who operate stormwater controls as part of a combined sewer system, sanitary sewer system, or flood control project, may continue to operate those projects without an amendment to its articles of incorporation. Under Act 68, all other stormwater projects need to be authorized and defined by an authority’s articles of incorporation. This means that either a new authority can be created, or the purposes of an existing authority can be expanded to, undertake the desired stormwater projects. The processes of creation and amendment are covered by the Municipality Authorities Act.

Eckert Seamans can assist you in understanding this new law and its impact on your operations. If you would like more information on the new law or assistance in understanding how your interests may be affected by this law, please contact Dan Clearfield, Joe Pierce or any one of our other Utility Group or Public Finance attorneys at Eckert Seamans.

*This Energy Alert is intended to keep readers current on matters affecting energy, and is not intended to be legal advice. If you have any questions, please contact **Dan Clearfield** at 717.237.7173.*