

# PA Campaign for Clean Water

## News

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## Victories in 2006 *By Bob Wendelgass, Clean Water Action*

The past year saw continued victories by the Campaign for Clean Water, thanks to the hard work and support of our members!

Matt Royer's story on [stormwater](#) in this Newsletter highlights our work in getting a strong new Stormwater Best Management Practices Manual issued by DEP.

Thanks to Maya van Rossum, the Delaware Riverkeeper, and Matt and the members of the Campaign's Stormwater Workgroup for their leadership on this issue. The new BMP Manual is a huge step forward, and will hopefully cause developers to incorporate better stormwater management practices in their plans.

Alisha Deen-Steindler's story highlights the Campaign's work promoting [upgrades of streams to EV and HQ status](#). In 2006, the Campaign helped local groups press for upgrades of Sherman's Creek in Perry County and the Tunkhannock Creek in the Poconos.

The Campaign is also taking the lead on educating municipal officials and the public about what EV and HQ classification really mean. Some upgrade efforts have been stymied by claims that EV status will stop

development or prevent a township from salting its roads in the winter (neither claim is true, by the way!)

To address this misinformation, the Campaign is producing a citizens guide to the EV and HQ programs

that will explain the effects of EV and HQ classification on various DEP permit decisions. Look for your copy in early March 2007.

John Dawes' story also recounts an important [victory in the U.S.](#)

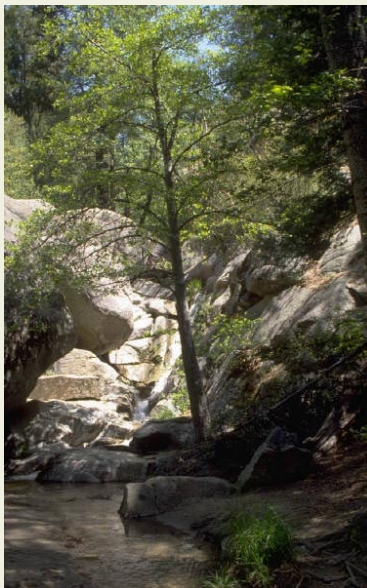
[Congress](#) that will bring huge benefits to our state. Reauthorization of federal funding for AMD projects will bring \$1.5 billion in funds to reclaim abandoned mine lands in our state. Congratulations to John and the activists with whom he worked for this incredible victory!

Last but not least, the Campaign also helped push PA's Congressional delegation to [support the Clean Water Authority Restoration Act](#), getting a

majority of our Congresspeople to cosponsor this important bill.

Thanks to all our member groups for your support in 2006. Sixty four groups signed on joint Campaign letters during the year, and dozens submitted their own comments as well. Speaking in a united voice paid off in the victories we won!

2007 will see continued work to promote good stormwater management, to strengthen protection for our state's wetlands, and to better protect our state's best streams. Stay tuned for more details and we look forward to more victories in the coming year!



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## 2 Campaign for Clean Water

### *Our Best Streams Deserve Special Protection*

*By Alisha Deen-Steindler, Clean Water Fund*

The Campaign's EV Workgroup was busy in 2006, helping to promote upgrades of deserving streams to EV status.

Members of the group worked with the Shermans Creek Conservation Association, helping them prepare their petition to upgrade the Creek. Despite some last minute snags due to intervention by a state Senator, the upgrade petition was accepted by the EQB and is now under study.

We also followed the work done by the Tobyhanna/Tunkhannock Watershed Association and Clean Water Action to build support for the upgrade of the Tunkhannock Creek (*see story below*).

Lastly, the workgroup developed a new guide compiling information about the EV program that will

be available in early March.

This guide will detail the changes that result when a stream is classified HQ or EV, noting how various DEP permits are affected. We prepared the guide to debunk all the myths about the EV program, clarifying what does (and doesn't) happen when a stream gets EV status.

We hope to distribute copies of the guide to watershed activists, municipal officials and other interested parties. To get a copy, email [adeen@cleanwater.org](mailto:adeen@cleanwater.org) or download a pdf version from our website in March. ([www.pacleanwatercampaign.org](http://www.pacleanwatercampaign.org)).



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### *Upgrading the Tunkhannock Creek*

*By Barbara Smith, Tobyhanna Creek/Tunkhannock Creek Watershed Assn. and Rick Loomis, Clean Water Action*

The Tobyhanna Creek/Tunkhannock Creek Watershed Association (TC/TCWA) strives to protect the waters, woodlands and wildlife in its 125 square mile watershed on top of the Pocono Plateau.

For more than ten years, the Association and its volunteers and the Monroe County Conservation District had been sampling the Tunkhannock Creek, which is a High Quality-Cold Water Fishery and is a source of drinking water for the City of Bethlehem. These samples showed that the Tunkhannock scored very high on both chemical and biological tests year after year. It scored as high as some of the smaller streams that are listed as Exceptional Value (EV), PA's highest ranking.

In 2002, TC/TCWA received a Growing Greener grant to work with the Nature Conservancy on a detailed study of the Tunkhannock Creek Watershed. The result of this study supported the earlier findings — that the Tunkhannock Creek watershed is unique in its pristine condition, plant and animal diversity and its vulnerability to degradation. For this reason, TC/TCWA decided to seek EV classification for the Creek in order to preserve

that water quality.

Reclassifying a stream requires petitioning the Environmental Quality Board for a change in designation. The Watershed Association gathered the necessary data and sought allies to help support the Petition. Representatives went to township meetings to seek the support of local townships, then, along with the Tunkhanna Fishing Association (which owns property along the stream and is a co-petitioner) sought the support of the largest landowner in the watershed, the Bethlehem Authority. The Authority however, sent a letter in opposition to the Petition without giving the Watershed Association an audience.

The Watershed Association contacted Clean Water Action (CWA) to help educate decision-makers about the EV request and build public support for protecting Bethlehem's water supply.

CWA immediately began to reach out to the residents of the city of Bethlehem, telling them how protecting the Tunkhannock Creek would protect their drinking

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## *Tunkhannock* continued from page 2

water. CWA canvassers generated over 300 letters to Bethlehem City Council, urging them to support EV status for the Creek. The letters were extremely effective in building support among City Council members.

Council's concerns were passed on to the Authority which decided to hold a meeting with stakeholders to re-examine whether EV status would be good or bad for the Authority. What began as a small, informational get-together became a large, official Authority meeting with 50 people representing 10 different organizations and agencies present.

The biggest issues at the meeting were the misconceptions about what EV status involved. Among the misunderstandings were that EV status would take away the property rights of the Authority, that the Authority would be obligated to patrol to keep outsiders from getting near the Creek, that a new plan for restricted logging in the watershed would be eliminated, that the land would lose value and be unsellable, and that the local Township would not be allowed to properly maintain their roads in the area.

Presentations by the concerned parties dispelled the rumors and led to a new understanding. That understanding, combined with the support of local political leaders, convinced the Authority and the Bethlehem City Water Dept. to reverse their original decisions and support the upgrade, seeing EV status as a winning situation for all concerned.

DEP is still completing its analysis of the Creek and has yet to make a recommendation about changing its designated use. We'll keep you posted on our progress.

## *Better Stormwater Management*

*By Matt Royer, Chesapeake Bay Foundation*

**D**uring 2006, the Campaign's Stormwater Workgroup worked on three important statewide policy initiatives: Pennsylvania's new Stormwater Best Management Practices (BMP) Manual; a new Model Stormwater Ordinance; and proposed initiatives for the NPDES Stormwater Permitting Program.

Several years in the making, the new Stormwater BMP Manual was finalized by DEP on December 30, 2006. With this, the Campaign scored a major victory in one of its highest priority areas. The new BMP Manual represents a paradigm shift in the way stormwater is managed.

The Manual provides guidance for incorporating stormwater management into the initial stages of site design planning, and encourages developers to mimic the natural hydrologic cycle to the greatest extent possible in their land development projects. The use of low impact design techniques that preserve existing forested vegetation and natural soils and utilize these features as stormwater management tools is encouraged over traditional structural BMPs such as stormwater basins.

The Manual sets forth guidance for volume control, peak rate control and water quality control that should be met for each site. Previous drafts of the volume control standards threatened to weaken the Manual's effectiveness, but the Campaign led an advocacy effort in support of stronger volume control language. As a result of written comments submitted by Campaign members and meetings with DEP, the Campaign was successful in convincing DEP to include stronger language in the final document.

DEP is also developing a Model Stormwater

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### *Stormwater* continued from page 3

Ordinance for use by municipalities throughout the state. Where applicable, the Model Ordinance can be used by municipalities to meet Act 167 and MS4 permitting requirements. The Campaign led a strong advocacy effort to ensure that the Model Ordinance is consistent with the BMP Manual and incorporates all of the important and progressive stormwater management concepts that DEP has set forth in the Manual. Early versions of the Model Ordinance failed to achieve this consistency. The Campaign submitted written comments on the April 2006 draft of the Model Ordinance during the public comment period. In addition, members of the Stormwater Workgroup met with DEP and provided suggestions for revisions. Finalization of the Model Ordinance is expected in early 2007.

In September 2006, DEP distributed draft proposed initiatives related to the NPDES Stormwater Permitting Program. These initiatives were designed to streamline the permit review process for NPDES permits for stormwater associated with construction activities, and address a permit backlog which presently exists in the Northeast Regional Office.

The initiatives, as initially proposed, created opportunities for undue influence and conflicts of interest, did not provide for meaningful technical review of stormwater plans and limited public participation in the review process. The Campaign and some member groups submitted comments to DEP opposing the initiatives. DEP revised the initiatives and published them for public comment in November 2006. While the revised initiatives were an improvement, the Campaign continued to be concerned and again submitted comments critical of the initiatives, while proposing alternatives to address the permit process issues. A follow up meeting with DEP was helpful in addressing some of our concerns.

As we await finalization of the Model Ordinance and the NPDES Stormwater Permitting Initiatives, we remain hopeful that our continued advocacy on stormwater issues will result in the policy changes necessary to ensure that stormwater is managed across Pennsylvania in a manner that is protective of our rivers and streams.

## *Victory for the PA AML Campaign*

*By John Dawes, Western Pennsylvania Watershed Program*

**A**s most of you know by now, we have won a huge victory, working with the PA AML Campaign, to secure reauthorization of the AML Program after an exhausting, 3 1/2 year campaign in Congress.

Despite great odds against winning in 2006 and against conventional wisdom in

Washington, our AML Campaign succeeded in getting our legislation attached to a giant 500 page bill, called "The Tax Relief and Health Care Act of 2006" in the final hours before Congress adjourned at 4:30 am on Saturday, December 9th.

The AML Reauthorization, which amends the 1977 Surface Mining Control and Reclamation Act (SMCRA), extends the AML Program for at least 15 years and will triple AML funds PA receives from reclamation fees collected from every ton of coal produced. PA is expected to receive at least \$1.5 billion over the next 15 years to clean up the worst Priority 1 and 2 AML sites. For the first time, there will be guaranteed funding for AML clean-up from fees collected from the coal companies, stopping the practice of Congressional Appropriations Committees creating annual tug-of-wars over AML distribution as well as diversion of AML funds to unrelated Federal projects.

This legislation represents an unprecedented consensus among watershed, conservation and coalfield community groups as well as the United Mine Workers of America, the coal industry, and eastern and western coal producing states.

PA had the most at stake in this long debate with the most AML acreage in the nation (250,000 acres),

*continued on page 5*

*For the first time, there will be guaranteed funding for AML clean-up from fees collected from the coal companies.*

## AML Victory *continued from page 4*

44 out of 67 PA counties blighted and 4,600 miles of biologically dead streams and rivers. DEP has estimated the total PA AML clean-up price tag at \$15 billion.

Despite a huge setback at the end of July, when the AML legislation was attached to a highly controversial, estate tax bill, the PA Campaign continued to press ahead, working with a broad array of interest groups. But, Congress still refused to pass the AML legislation before the November elections. The only chance left was the short one week lame duck session in early December. Many PA AML Campaign allies had by then given up hope and had stopped pressing Congress to pass AML in the lame duck session.

The PA AML Campaign, working with local and national groups, the UMWA, coal industry and a bipartisan group of Members of Congress pressed on, at times around the clock, to persuade the House and Senate Republican leadership to attach the AML Reauthorization to the giant tax and health care bill. It was unclear right to the end if our efforts would succeed. At one point in the House, an amendment involving oil drilling on the Outer Continental Shelf came within 2 votes of passing, which would have killed the whole bill.

The House of Representatives passed the omnibus bill Friday evening and adjourned. The bill did not reach the Senate until nearly 11 pm and did not pass the Senate until just before 2 am Saturday morning. The bill had to overcome continued attacks from Senator Judd Gregg (R-NH), the powerful Senate Budget Committee chairman, and three separate votes in the Senate.

Please be sure to express your appreciation to the bipartisan informal Congressional team who worked tirelessly with the PA AML Campaign to pass this landmark AML bill: Senators Specter (R-PA), Santorum (R-PA), Rockefeller (D-WV), Byrd (D-WV), Enzi (R-WY) and Representatives John Peterson (R-PA) and Rep. Ralph Regula (R-OH).

More information on implementation of the new law will follow in 2007. Congratulations to all of you who helped in this long effort with so many ups and downs. In the end we have prevailed and every one of your efforts truly made a difference!

For more information, contact the PA AML Campaign: R. John Dawes, Chairman, [rjdawes@aol.com](mailto:rjdawes@aol.com), Western PA Watershed Program; Cynthia Carrow, Co-Chair, [ccarrow@paconserve.org](mailto:ccarrow@paconserve.org), Western PA Conservancy.

## Campaign Plans in 2007

*By Sonnet Gabbard, Clean Water Fund*

**R**epresentatives from twenty-five Campaign for Clean Water groups met this past November to set the 2007 agenda for the Campaign.

The meeting began with presentations by the Workgroup chairs with updates on 2006 actions and victories. Robin Mann of the Sierra Club reported on the Wetlands Workgroup. Since the federal government has backed off on enforcing wetlands protection for some “isolated” wetlands, the Wetlands Workgroup is pressing DEP to step in and take the lead role.

Matt Royer of Chesapeake Bay Foundation presented on behalf of the Stormwater Workgroup. The workgroup is focused on two policy initiatives — the new Stormwater BMP Manual and the new Model Ordinance to be used by municipalities.

Jennifer Murphy from the Mid-Atlantic Environmental Law Center presented on the work of the Enforcement Workgroup. The Enforcement workgroup is working to identify NPDES permit violations, compiling a “Dirty Dozen” list of the worst offenders.

Barbara Smith of the Tunkhannock and Tobyhanna Creek Watershed Association presented on behalf of the Exceptional Value (EV) Workgroup. She reported that the workgroup has been putting together several documents explaining the effects of a stream getting EV status. These documents will be distributed to communities across the state.

Finally, Bob Wendelgass of Clean Water Action gave a brief report on the Sewage Workgroup, which is *continued on page 5*

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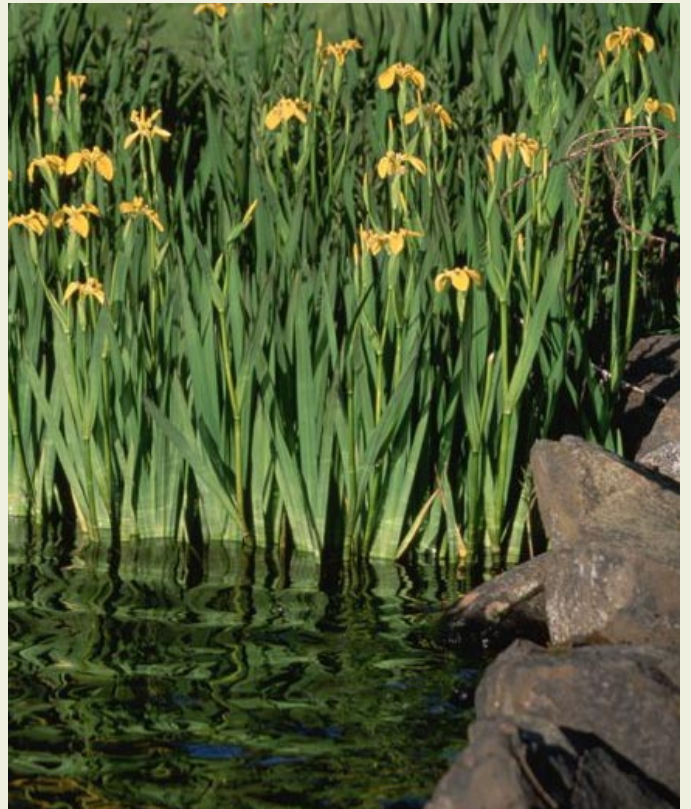
### 2007 Campaign *continued from page 5*

working on a pro-active agenda suggesting improvements to the Act 537 Sewage Facilities Planning Program.

Following the updates, participants brainstormed possible issues for 2007. After discussion and debate, **participants selected three issue priorities for 2007: Wetlands, Stormwater and EV.** In addition, John Dawes will continue to lead the workgroup focused on **AML funding.** Following the vote, participants split up into workgroups and began planning their work over the coming year.

CCW Workgroups are open to all members of the campaign. Their meetings are held via conference call once a month. The workgroups are the major way that the Campaign takes action, so all member groups are encouraged to participate. They are also a great way to keep up-to-date on what's going on with each issue.

To sign up for a workgroup, please contact Bob Wendelgass at [bwendelgass@cleanwater.org](mailto:bwendelgass@cleanwater.org).



#### Our Mission:

*The Pennsylvania Campaign for Clean Water represents 130 environmental, conservation, sportsmen and faith-based organizations united in support of strong state and federal policies that restore and protect the Commonwealth's water resources.*

#### PA Campaign for Clean Water

##### Steering Committee:

Barbara Benson, Sierra Club  
Brian Glass, Penn Future  
Judith Jordan, Pennsylvania Organization for  
Watersheds and Rivers  
Robin Mann, Sierra Club  
Jennifer Murphy, Mid-Atlantic Environmental Law Center  
Deb Nardone, Pennsylvania Trout  
Matt Royer, Chesapeake Bay Foundation  
Bob Wendelgass, Clean Water Fund

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## Join the Campaign!

If your watershed group is not yet a member of the PA Campaign for Clean Water, why not join us? More voices mean more clout...and more protection for Pennsylvania's water resources.

For more information about the Campaign, check our website at [www.pacleanwatercampaign.org](http://www.pacleanwatercampaign.org). To join us, download a membership application from our website. Fill it out and fax it to Bob Wendelgass, the chair of the Campaign, at 215-640-0930.