VI. PRIORITIES FOR IMPLEMENTATION OF THE PLAN

The Brodhead Creek and McMichaels Creek Watershed Stormwater Management Plan preparation process is complete with Monroe County's adoption of the Draft Plan and submission of the Final Plan to DEP for approval. Procedures for the review and adoption of the Plan are included in Section VIII. Subsequent activities to carry out the provisions of the Plan are considered by DEP to be part of the implementation of the Plan. The initial step of Plan implementation is DEP approval. DEP approval sets in motion the mandatory schedule of adoption of Municipal Ordinance provisions to implement the stormwater management criteria. Brodhead Creek and McMichaels Creek Watershed Municipalities will have six months from DEP approval within which to adopt the necessary Ordinance provisions. Failure to do so could result in the withholding of state funds to the Municipality(ies) per Act 167.

Additional implementation activities are the formal publishing of the Final Plan after DEP approval, development of a local program to coordinate with DEP regarding permit reviews for stream encroachments, diversions, etc., and development of a systematic approach for correction of existing storm drainage problem areas. The priorities for Plan implementation are presented in detail below in (essentially) chronological order.

A. DEP Approval of the Plan

Upon adoption of the Plan by Monroe County, the Plan is submitted to DEP for approval. The DEP review process involves determination that all of the activities specified in the approved Scope of Study have been satisfactorily completed in the Plan. Further, the Department will only approve the Plan if it determines the following:

1. That the Plan is consistent with municipal floodplain management plans, State programs which regulate dams, encroachments and other water obstructions, and State and Federal flood control programs; and

2. That the Plan is compatible with other watershed stormwater plans for the basin in which the watershed is located and is consistent with the policies and purposes of Act 167.

DEP action to either approve or disapprove the Plan must take place within ninety (90) days of receipt of the Plan by the Department. Otherwise, the Plan would be approved by default.

B. Publishing the Plan

Consistent with the Brodhead Creek and McMichaels Creek Watershed Scope of Study, the Monroe County Planning Commission will publish the Plan after DEP approval. A link to the Plans will be provided to each Municipality via email and made available at the County website. Additionally, the Brodhead Creek and McMichaels Creek Act 167 Storm Water Management Ordinance will be published for use by the Municipalities.

C. Development of a Local Program to Coordinate with DEP Regarding Chapter 105 and Chapter 106 Permit Application Reviews

Stream encroachments, stream enclosures, waterway diversions, water obstructions and other activities regulated by Chapter 105 and Chapter 106 of DEP's Rules and Regulations may have a impact on the effectiveness of the runoff control strategy developed for the Brodhead Creek and McMichaels Creek Watershed. Activities of this type may modify the conveyance characteristics

of the study area and, hence, impact on the relative timing of peak flows and/or the ability of the conveyance facilities to safely transport peak flows. Therefore, to ensure that the DEP permitting process is consistent with the adopted and approved Plan, a local review of Chapter 105 and Chapter 106 permit applications should be coordinated with the DEP review process.

The local review for Monroe County would be performed by the Monroe County Planning Commission and would be accomplished through monitoring of the applications as published in the Pennsylvania Bulletin. The Monroe County Planning Commission would be responsible for providing comments consistent with the adopted Act 167 Plan within the stated DEP review period. Further, the Monroe County Planning Commission would keep records of applications reviewed and the DEP action.

D. Municipal Adoption and Enforcement of Ordinance Provisions to Implement the Plan

The key ingredient for implementation of the Stormwater Management Plan is the adoption and enforcement of the necessary Ordinance provisions by the Brodhead Creek and McMichaels Creek Watershed Municipalities. Provided as part of the Plan is the Model Act 167 Stormwater Management Ordinance which is a single purpose stormwater Ordinance that could be adopted by each Municipality essentially as is to implement the Plan. The single purpose Ordinance was chosen for ease of incorporation into the existing structure of municipal Ordinances. All that would be required of any Municipality would be to adopt the Ordinance itself and adopt the necessary tying provisions into the existing Subdivision and Land Development Ordinance and Zoning Ordinance. The tying provisions would simply refer any applicable regulated activities within the Brodhead Creek and McMichaels Creek Watershed to the single purpose Ordinance from the other Ordinances. A copy for municipalities without MS4's can be found in Appendix F. A copy for municipalities with MS4's, that contains the MS4 Prohibitions outlined in Article VII of the 2022 DEP Model Stormwater Ordinance, can be found in Appendix G.

It is not required, however, that a Municipality adopt the single purpose Ordinance. At the Municipality's discretion, it may opt to incorporate all of the necessary provisions into the existing Ordinances rather than adopt a separate Ordinance. In this event, the Municipality must ensure that the amended Ordinance satisfactorily implements the approved Plan.

E. Level of Government Involvement in Stormwater Management

The existing institutional arrangements for the management of stormwater include federal, state, and county governments; as well as every Municipality within the watershed.

In the absence of a single entity with responsibility for all aspects of stormwater management within a watershed, it is clear that the "management" which occurs is primarily a function of a multiple permitting process in which a developer attempts to satisfy the requirements of all of the permitting agencies. Each public agency has established its own regulations based on its own objectives and legislative mandates as well as its own technical standards, applicable to its particular stormwater concerns.

F. Development of a Systematic Approach for Correction of Existing Storm Drainage Problem Areas

Correction of the existing storm drainage problem areas in the study area is not specifically part of the Act 167 planning process. However, the development of the Plan has provided a framework for their correction for the following reasons:

1. Existing storm drainage problems have been documented through interaction with the Watershed Plan Advisory Committee.

2. Implementation of the runoff control criteria specified in the Plan will prevent the existing drainage problems from becoming worse (and prevent the creation of new drainage problem areas)

3. The hydrologic model developed to formulate the runoff control criteria could be used as an analytical tool for designing engineering solutions to existing drainage problems.

With the above in mind, each Municipality within the Brodhead Creek and McMichaels Creek Watershed should take the following steps to implement solutions to the existing storm drainage problem areas:

1. Prioritize the list of storm drainage problems within the Municipality based on frequency of occurrence, potential for injury to persons or property, damage history, public perception of the problems, and other appropriate criteria.

2. For the top priority drainage problems in the Municipality, conduct detailed engineering evaluations to determine the exact nature of the problems (if not known), determine alternative solutions, provide cost estimates for the alternative solutions, and recommend a course of municipal action. The number of drainage problems to be evaluated by a Municipality should be based on a schedule compatible with completing engineering studies on all problem areas within approximately five years. The Brodhead Creek and McMichaels Creek hydrologic model would be available at the Monroe County Planning Commission office to provide flow data as input to the engineering studies.

3. On the priority and cost basis, incorporate implementation of recommended solutions to the drainage problems in the annual Municipal capital budget or the Municipal maintenance budget as funds are available. Solutions for existing stormwater drainage problems may qualify for low interest loans from the Pennsylvania Infrastructure Investment Authority (PENNVEST) or other grant sources. The number of drainage problems corrected in a given year should be based on a maximum ten-year schedule of resolving all existing documented drainage problems in the Municipality for which cost-effective solutions exist.

The above stated procedure for dealing with existing storm drainage problem areas is not a mandatory action placed on Municipalities with the adoption of the Plan. Rather, it represents one systematic method to approach the problems uniformly throughout the study area and attempt to improve the current runoff situation in the basin. The key elements involved in the success of the remedial strategy will be the dedication of the municipalities to construct the corrective measures and the consistent and proper application of the runoff control criteria specified in the Plan. The latter element is essential to ensure that remedial measures do not become obsolete (under-designed) by increases in peak flows with development.

The minimum objectives of this plan and the minimum mandates of Act 167 can be accomplished without significant modification of existing institutional arrangements by actions taken at the municipal level (in combination with continuing voluntary coordination at the watershed level), participation by the county in the technical review, maintenance and operation

of the computer model (as necessary), and compilation of data required for periodically updating the plan. In addition, upon adoption and approval of the plan, all future public facilities, facilities for the provision of public utility services, and all facilities owned or financed by state funds will have to be consistent with the watershed plan; even though they might not be otherwise subject to municipal regulation.

G. Culvert Replacement

The General Procedures for Municipalities to determine the size of replacement culverts using Act 167 data is as follows:

1. Determine the location and Municipality of obstruction on Figure VI-1 of Appendix D and obtain the obstruction number.

2. From Section 105.161 of DEP's Chapter 105, determine the design storm frequency.

3. Locate the flow value (cfs) for the design storm frequency determined from #1 and #2 above.

4. Have the culvert sized for this design flow and obtain any necessary approvals/permits.

Note: Any culverts/stream crossings not identified on Figure VI-1 would need to have storm flows computed for sizing purposes.

H. PENNVEST Funding

One way in which the completion and implementation of this plan can be of assistance in addressing storm drainage problems is by opening the avenue of funding assistance through the PENNVEST program. The PENNVEST Act of 1988, as amended, provides low interest loans to governmental entities for the construction, improvement or rehabilitation of stormwater projects including the transports, storage and infiltration of stormwater and best management practices to address non-point source pollution associated with stormwater.

In order to qualify for a loan under PENNVEST, the Municipality or county:

1. Must be located in a watershed for which there is an existing county adopted and DEP approved stormwater plan with enacted stormwater Ordinances consistent with the plan, or

2. Must have enacted a stormwater control Ordinance consistent with the Stormwater Management Act.

More information on the PENNVEST loan application procedure can be found online at https://www.pennvest.pa.gov/Services/Pages/Apply-Online.aspx.

There may be alternate sources of funding through grants or other government programs to address the storm drainage problems in the watershed. These programs will vary over time and available funding.

I. Landowner's/Developer's Responsibilities

Any landowner and any person engaged in the alteration or development of land that may affect stormwater runoff characteristics shall implement such measures consistent with the provisions of the watershed stormwater plan as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include actions as are required:

1. To assure the maximum rate of stormwater runoff is no greater after development than prior to development activities; or

2. To manage the quantity, velocity and direction of resulting stormwater runoff in a manner that otherwise adequately protects health and property from possible injury.

Many developers throughout the state, after realizing the natural resource, public safety and potential economic advantages of proper stormwater management, are constructing development consistent with natural resources protection.