

JANUARY 18 Ferguson Township Board of Supervisors Meeting

C-Net Video – <http://cnet1.org/video/ShowByMember/7/>

Excerpt transcribed by Katherine Watt on January 23, 2015

John Sepp of PennTerra Engineering spoke on behalf of eight engineering firms just before Grottini and Yoxtheimer spoke. Sepp advocated a weakening of the draft stormwater management ordinance, to give engineers and developers more “flexibility.”

Transcribed portion: 129:48 to 144:00

JASON GROTTINI

My name is Jason Grottini. I'm here tonight representing the State College Borough Water Authority. I'm a board member, as well as the chair of the Source Water Protection Committee. I've got quite a few notes here, and, unlike John [Sepp], they're going in the opposite direction in terms of our recommendations for the ordinance and making some recommendations in ways that we believe that it should be strengthened.

I wrote prepared statements here, with help from our engineer and executive director so I'll just go through them because I don't know it well enough off the top of my head.

First of all, we appreciate the opportunity to comment on the draft stormwater ordinance. Just the fact that we can be involved in looking at the ordinance is a big step, we believe.

At the 2015 public meeting that we had back in July, the water authority offered policy suggestions and standards to improve the municipal review process for land developments and wellhead protection areas.

Later, on October 30, a letter to the township summarized these recommendations along with the transmittal of a sample wellhead protection overlay district ordinance as a reference. And I believe Mark Glenn, our engineer, has a copy of that this evening.

Together with the technical comments generated for the Toll Brothers site, the water authority believes that the above information that we've provided already serves as a framework for updating the stormwater ordinance.

Based on the latest draft that we've reviewed, some of the water authority comments were included but many were not.

Some of the specific concerns and recommendations that we have – I'm going to go through these – there are about 10 of them here so I'm going to try to be precise –

The water authority believes that the wellhead protection overlay is the best legal and technical arrangement for implementing the required technical review standards.

The recommended update to the township's zoning ordinance should be done concurrently with the stormwater ordinance update.

[1] We recommend a complete contaminant source list and regulated land use activities should be provided in a matrix form based on the wellhead protection area zones 1, 2 and 3. That refers to that sample ordinance that we submitted back in October.

[2] We recommend there be required geological studies to demonstrate site suitability and planning feasibility in wellhead protection zones. Currently, geologic studies are only needed for stormwater recharge analysis if deemed necessary by the township engineer.

[3] We recommend that you require geophysical testing, particularly in proposed stormwater detention areas in wellhead protection zones.

[4] We recommend that you require, not encourage, non-structural best management practices in wellhead protection zones, including decentralization of detention ponds throughout the development.

[5] We recommend that you require the retention of native soil for stormwater filtering and site grading plans in wellhead protection zones.

[6] We recommend that you set restrictions on drilling and blasting in wellhead protection areas and if necessary provide specifications for the control and monitoring of blasting operations.

[7] We recommend that you develop specific specifications for stormwater best management practices. The PennDOT 408 standards, in general, do not have application to best management construction.

[8] We recommend that there be a provision for the water authority to be on site for inspection of stormwater facilities during construction.

[9] We recommend that post-construction monitoring of groundwater quality be enforced.

[10] And finally, we recommend that there's provision for the developer to reimburse the water authority based on the review and ongoing monitoring core costs.

We want to reiterate that this is a concern of the cumulative impact of land development in wellhead protection areas. It's our main charge here to protect drinking water in the region. This is not a knock against development. It's just a way to start planning for smarter development as we move forward in this area.

So we urge the township to adopt stricter technical standards and implement the necessary zoning controls to protect the water resources in wellhead protection areas.

And that's all I have for you. Thank you.

[Ferguson Township Board of Supervisors Chairman Steve Miller asks if anyone else would like to speak.]

DAVE YOXTHEIMER

Good evening. Dave Yoxtheimer, I am a Ferguson Township resident and that's the hat I'm wearing tonight. I live at [---]. So I just wanted to, as a township resident, provide some comment on the proposed stormwater ordinances, and I do thank you for the opportunity to speak and I appreciate everybody's efforts today. I know a lot of work has gone into this and I think things have greatly improved, but again, there's always room for improvement.

So, it's obviously crucial that we do have a strong set of protective ordinances, so as to protect our natural resources, including our water quality. Obviously we live in a great area, very desirable, people want to live here, so we're going to see continued development. And we need to make sure that that development continues to occur in a manner that's sustainable and, again, does not unduly impact our water resources in the long run for future generations.

We do sit atop a unique geologic setting, where stormwater can become groundwater very quickly and groundwater can become drinking water very quickly. And so again, the speed with which groundwater can flow to our region's wellfields can be quick and it can carry contaminants along with it. And as we change our land surface and continue development we can see groundwater and our water resources in general for that matter degrade over time.

So we want to try to preserve that as best we can. So we're in that "ounce of prevention" mode here, so later on, down the road, we don't have to pay for that "pound of cure."

So, each development on its own, might not have a measurable or significant impact, but it's the cumulative impact, by many developments, is what we really need to look at here. So it's almost a master plan. And sticking to that plan. So I know that there's a lot at stake here, so this is an important topic and one that, I do appreciate the significant input and thought that's gone through.

So, again there's this potential cumulative impact, and we don't want to reach that tipping point, or find where that tipping point might occur. And I think we don't have to look very far, when we see that Penn State's currently building a \$60 million water treatment plant, whereas for many decades, they were able to drink their groundwater out of their wellfields without need for, really, any treatment at all.

And so as we saw more and more development, along, in essence, North Atherton, we have more stormwater, more runoff, more turbidity in the groundwater as a result. And, largely, hence, the need for a very expensive water treatment plant.

And so, on this side of the watershed I don't think we want to see significant investment like that, necessary. The water authority does have a treatment plant, a filtration plant. And sure, at some point, that will need to be likely upgraded. But we don't want to have to increase the level of treatment, and therefore the cost of treatment, when we could have prevented that in the long run.

So, I'll just kind of get into specifics here, where I do feel, as a hydrogeologist – I should say, I'm a hydrogeologist. There are a lot of site specific considerations that need to be taken into place, into consideration. Site specific site characterization, physical surveying where it makes sense. It might not be necessary everywhere, but there might be complicated geologic settings where we really need to understand what's going on in the subsurface a little bit better before we start breaking ground.

I do feel as though, within the proposed ordinance, there's a water quality sensitive area delineated, but there's not a lot of, we'll say, meat there, as far as specifying what best management practices should be used. And maybe throughout the rest of the proposed ordinance there is some references to best management practice, but again, in Section 302 we ought to be, perhaps, a bit more specific as to what some of those practices should be to prevent impacts to the water resources.

In general, I think, whether it's here in Ferguson Township or in really any carbonate region, we need to make sure that we're promoting diffusion of runoff, not focusing that runoff, because when you start to do that, you start to erode, and then you increase the potential for things like sinkholes and other unwanted features to develop.

As I think I heard a little bit earlier, trying to preserve the native soils that are in place, rather than doing lots of excavation and cuts and fills. The soils here are really our best friend when it comes to protecting our water quality.

So trying to preserve and leave those soils intact – I realize that's not possible everywhere, to leave them totally intact, but where possible, promote that because, I think in the long run it could be, for one, more cost-effective for the developer and certainly more protective of our water resources in the long run because those soils do provide that natural filtration.

So, I think in general we need to look at the surface and subsurface conditions, soil types, the geologic setting, and kind of let that guide what kind of development or how that development occurs. Rather than coming in and having this grand plan but not really taking into consideration proactively the subsurface conditions.

So again, look at the natural setting and try to work with it, rather than trying to, in essence, fight Mother Nature and end up with sort of an undesirable situation.

I'll leave at that for now, but I would like to, again, thank everybody who's been involved at this point and thank you for the opportunity to give a little comment. Thank you.

FERGUSON TOWNSHIP MANAGER MARK KUNKLE

Dave, can I ask a question?

YOXTHEIMER

Yeah, absolutely.

KUNKLE

It's been described that we're in this bathtub, in the valley here. Is Ferguson Township more uniquely positioned in the bathtub than other municipalities?

YOXTHEIMER

Yeah, I would say to a certain degree, given that we've got a lot of recharge area in Ferguson Township which feeds into the water authority's wellfields, namely Wellfields 1 and 3. And so when you consider the tract of land to the south of Whitehall Road, that is, in essence, a big chunk of the wellhead protection area, the Zone 2, for those particular wells that do provide a lot of the water for the region. So I think the township is in a position to really kind of hold onto that area there and to do everything to the extent possible to make sure it's preserved or at least developed using the best available technologies and practices.

KUNKLE

Geologically though, would you say that the wells at Grays Woods, etc., are in the same geologic formations?

YOXTHEIMER

It's a little different out there, because now you're in the Gatesburg Formation. So the depth to groundwater is two to three hundred feet. You've got a very thick, permeable soil profile there that provides a lot more filtration than, say, the thinner soils here. So when you go down Whitehall Road, I mean, you can see bedrock outcropping. Sometimes you only have a very thin soil mantle and so disturbing that very thin soil really disrupts that filtration process, where you can dig down a hundred feet and still be in soil out in that [Gatesburg] part of the region. So there are differences, depending on where you're at.

KUNKLE

So that would account for a reason why Ferguson's stormwater management ordinance might be different than other municipal stormwater ordinances, because of the geologic formations in each municipality?

Yoxtheimer

Yeah, absolutely, and I think that's why, site specific evaluations are critical in the whole matter. But yeah, sure, there are differences from township to township, and a lot of similarities, for that matter.