

STORMWATER MANAGEMENT THUMBNAIL

EVOLUTION OF STORMWATER MANAGEMENT

- Civil law rule – “Water will flow as it is wont to flow”
- Common enemy rule – liability only where stormwater is diverted from natural channel or unreasonably changed in quality and quantity; “rural exception”
- Regulatory focus evolved from flood mitigation and drainage to stormwater volume and velocity/rate controls to qualify mandates
 - Federal (Clean Water Act), state (Clean Streams Law),
 - subsequent programs (NPDES, Chesapeake Bay, MS4)

MUNICIPAL STORMWATER MANAGEMENT AUTHORITY

- Municipal enabling legislation (Borough Code, Second Class Township Code) - general powers (primary focus flooding, drainage); implemented by adoption of ordinances and regulations
- Storm Water Management Act (Act 167) – plan and mandate for municipal ordinance
- Municipal Authorities Act amendments for stormwater management Act 68 of 2013 – authorized formation of stormwater management municipal authority with planning, management, implementation powers

PLAYERS – STORMWATER MANAGEMENT FACILITIES DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, ENFORCEMENT, LIABILITY

- Federal government
- Commonwealth of Pennsylvania
- Pennsylvania Department of Environmental Protection
- Municipalities and municipal authorities
- Developers
- Property owners and homeowners associations