

AARON KAUFER, MEMBER
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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

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March 7, 2019

Honorable Josh Shapiro
Attorney General, Commonwealth of Pennsylvania
Pennsylvania Office of Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120

Dear Attorney General Shapiro:

The recent increase in oversight by the U.S. Environmental Protection Agency (EPA) and Pennsylvania Department of Environmental Protection (PADEP) regarding stormwater treatment within the Chesapeake Bay watershed has created an uproar across not only my district but throughout all of Luzerne County and large portions of the Commonwealth. As a result, in our community, the Wyoming Valley Sanitary Authority has been authorized by 32 municipalities to address this government mandate by working cooperatively with municipal officials as well as with the EPA and the PADEP to meet municipal separate storm sewer systems (MS4) requirements and create a Regional Stormwater Management Plan.

Since this program requires mandated minimum reductions of sediments, nitrogen, and phosphorus, implementing these projects comes at significant cost, either to create and maintain these projects or else face the threat of fines for ignoring the mandates. In either case, the citizens of my district and communities throughout the Chesapeake Bay watershed are expected to bear the burden of these mandates. As a result, this mandate has led to the institution of a newly required fee on residents, scathingly known as the "rain tax," which makes it even more difficult for individuals to afford the costs associated with government for what is seen as little in return on their day-to-day lives. In many cases, individuals in our community already struggle to pay school property taxes and the many other bills to which they must attend.

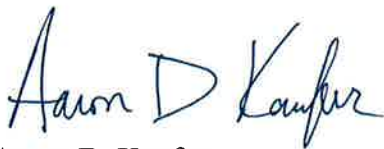
Seeing the problems which arise from requirements being instituted by the federal government, the Unfunded Mandate Reform Act (UMRA) was passed with bipartisan cooperation between the Republican-led Congress and President Bill Clinton. UMRA was developed to stop exactly this type of stormwater fee, an unfunded mandate, on both the state and local governments.

As a result, I am asking you in your official capacity as Attorney General of the Commonwealth of Pennsylvania to file an injunction with the U.S. Government and the EPA, which has instituted this unfunded mandate requiring treatment of stormwater on the residents of Pennsylvania. However noble the goals of the federal government, they are required to follow the law, including UMRA which was signed into law roughly two decades ago.

As Attorney General, I believe it is your responsibility to stand up for the interests of all the residents of Pennsylvania and put an end to this inequitable and unlawful enforcement of the stormwater mandate. According to UMRA, enforcement requires funding.

I look forward to hearing back from you on this issue. Action is needed to ensure the legal system protects the citizens of this Commonwealth.

Sincerely,

A handwritten signature in blue ink that reads "Aaron D. Kaufer". The signature is written in a cursive style with a large, stylized "A" and "K".

Aaron D. Kaufer
State Representative
120th Legislative District