A RESOLUTION OF THE TOWNSHIP OF MAIDENCREEK, BERKS COUNTY, PENNSYLVANIA, URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND ARMY CORP OF ENGINEERS TO WITHDRAW A PROPOSED CHANGE TO THE CLEAN WATER ACT THAT EXPANDS THE TYPE OF WATER COVERED UNDER THE ACT.

WHEREAS, the Clean Water Act of 1972 as amended defines waters of the U.S. as navigable waters; and

WHEREAS, the most recent proposed amendment to the Clean Water Act will expand the definition of waters of the U.S. to include streams, wetlands, ponds, detention basins and temporary bodies of water created by heavy rains and flooding such as ditches and swales; and

WHEREAS, if this change is adopted nearly all land in Pennsylvania could be defined to be contributing in some way to the waters of the U.S.; and

WHEREAS, this could transfer local land use control to the EPA and require EPA approval for all future land development activities; and

WHEREAS, Townships may be unable to perform routine maintenance on swales, ditches and detention basins without first obtaining a federal permit for such work, which will prevent the timely resolution of safety issues associated with clogged drainage systems; and

WHEREAS, Townships may be unable to apply pesticides and herbicides along road right of ways without first obtaining a federal permit for such work if a roadside ditch can be determined to connect to navigable water; and

WHEREAS, the cost and burden of applying for a federal permit in regards to the time needed for approval and the monetary cost of permit, engineering and legal fees would have significant impact on local taxpayers; and

WHEREAS, the cost for Townships designated as MS4 municipalities under the NPDES regulations will dramatically increase in order to comply with storm water management requirements in order to ensure that storm water discharges meet federal water quality standards; and

WHEREAS, Townships without access to public water will face restrictions on the use of ponds for fire suppression activities which will negatively impact the public's safety; and

NOW, THEREFORE, BE IT RESOLVED that Maidencreek Township, Berks County,

1. opposes any expansion of the definition of "waters of the U.S. that would include tributaries, ditches, and "other waters" or require new and additional permitting by the U.S. Environmental Protection Agency and the U.S. Army Corp of Engineers, and

2. supports legislation to require that any change to the definitions of the Clean Water Act by made by the U.S. Congress through the legislative process and not the agency's rulemaking process.

DULY ADOPTED this 11th day of September, 2014, by the Governing Body of Maidencreek Township, Berks County, Pennsylvania, in lawful session duly assembled.

Maidencreek Township

Berks County, Pennsylvania

By: _____

David Franke Chairman

Attest: _____

Secretary

_____

Joseph E. Rudderow III

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Claude Beaver