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OF COUNSEL  
MICHAEL K. HANNA, SR.

June 13, 2006

RECEIVED  
JUN 15 2006

BY:.....

Mary Ann Bower  
District Manager  
Clinton County Conservation District  
45 Cooperation Lane  
Mill Hall, PA 17751

Re: Stormwater Management Plans

Dear Mary Ann:

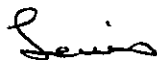
At your request, I have reviewed the comments received in connection with the above referenced matter. I am cognizant of the fact that the commissioners are only being asked to adopt the Stormwater Management Plans and a Model Ordinance; however, understand that the ordinances enacted by the municipalities need to be consistent with the intent of the model. Although neither the commissioners nor the Conservation District have the authority to direct the municipalities, it is appropriate to make recommendations to assist them in assuring compliance with the state enabling legislation.

It is my opinion that none of the comments received, if incorporated into municipal ordinances, would affect the required intent. The Storm Water Management Act does pertain to watershed stormwater management plans; therefore, as suggested by Bob O'Connor, a municipality could limit the impact of its ordinance to its watersheds; but, does not need to do so. I am of the opinion that many of Paul Welch's comments enhance and improve the model ordinance and none are inconsistent with its intent. I would recommend the inclusion into our model ordinance of two of his suggestions. I would suggest that we amend Article VIII, Section 803(B) to his proposed language: "It shall be unlawful to alter, remove or fail to implement any control structure required by the SWM Site Plan." In addition, I agree with Mr. Welch that it is necessary to

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change Article VIII, Section 805, Subsection A, as violations of the provisions of this ordinance are civil; therefore, cannot lead to conviction of summary offenses. This provision should be amended to be consistent with Section 15 (32 P.S. § 680.15) of the Storm Water Management Act.

Very truly yours,



Lewis G. Steinberg

LGS/jab