QUITTAPAHILLA WATERSHED ASSOCIATION
Meeting Minutes DRAFT
Community Room, Annville Free Library, and Remotely Via Zoom (Hybrid Meeting)
Tuesday, September 15, 2026

Present: Present: Michael Schroeder (President), Willy Bixler, Joseph Connor, Bob Connell, Karen Feather, Bryan Hoffman, Katie Hollen, Kara Lubold, Reese Goodlin (Chesapeake Bay Foundation)

1. **Minutes.** The minutes of the August 18, 2026 meeting were circulated electronically before the meeting and approved by consensus. They are housed, along with all other extant QWA meeting minutes, on the Meetings & Minutes page of our QWA website, at https://www.quittiecreek.org/calendar.html

2. **Action Item: Lebanon County Conservation District (LCCD) Director Nominations.** Mike announced that the LCCD is accepting nominations for Public Director and Farmer Director and encouraged other QWA members to consider nomination. He expressed interest in the Public Director position, and the QWA agreed by consensus to nominate him. The nomination materials are included below in **Appendix 1**.

3. **Monitoring Program**
   - **A. Fieldwork updates.** Katie reported that October will see our next round of routine water quality monitoring.
   - **B. Equipment updates**
     - **1) Multiparameter sonde.** Bob, Willy, and Joseph reported that Doc Fritchey Trout Unlimited has agreed to pay for a new pH probe for $785, and that the turbidity probe is not working but will not be replaced because, in Bob's words, "trout don't care about turbidity."
     - **2) Solinst Sensors.** Bob reported that all five Solinst sensors continue to record data at five of our monitoring sites and upload that data directly into our Water Quality Portal.
     - **3) ISCO auto-samplers.** Ready to deploy.
   - **C. Data Management & Water Quality Portal.** Bob was again commended for his excellent work updating our Water Quality Portal, linked from the Monitoring page of our website, direct link https://quittiedata.org/
   - **D. Macroinvertebrate Sampling Raw Data.** No update.

4. **Follow-up on Aug. 5 Special Meeting on GrowCon's Recommendations.** Discussion was held on steps to take following our Aug. 5 special meeting. Consensus was reached that any

formal affiliation or partnership with TLVC must allow the QWA to exercise its right to speak without restraint about public policy issues, e.g., in opposition to a data center proposal or signing on to a petition calling for a moratorium on fracking in PA. Mike will follow up.

5. **Report on AC Commons Site Visit.** On this item, see the August 18 QWA meeting minutes. A follow-up report summarizing the site visit was written and distributed by Jeffrey Schmid of the PA Fish & Boat Commission and is included below in **Appendix 2.**

6. **LCCD Watershed Action Team.** The minutes of the Sept. 3 WAT meeting are included below in **Appendix 3.** Kara reported a grant opportunity from the Susquehanna River Basin Commission for monitoring equipment and will email the details.

7. **Projects updates.** See Appendix 3.

8. **Lebanon County Stormwater Consortium.** Mike reported that Kent Crawford mailed him a newspaper clipping and note regarding the April 30, 2026 PA Supreme Court ruling in *Borough of West Chester v. PA State System of Higher Education* that in this case, the stormwater management fees imposed on this borough are actually taxes that the municipality had no authority to impose. Mike asked Bryan Hoffman about the ruling, who offered his interpretation and its relevance to Lebanon County. Materials on this issue are included below in these minutes in **Appendix 4**.

9. **Media & website.** Mike reported that he continues to post on Facebook about the QWA's monitoring program and continues to keep the website updated.

10. **Education, outreach & special events.**
    - A. **Envisioning a Ghost Landscape: Guided Walking Tour of Quittie Creek Nature Park, 4-6 PM Tues Sept 15.** Mike reported that his guided walking tour of Quittie Creek Nature Park as part of The Lebanon Valley Conservancy's Clean Water Week (Sept. 12-19; see https://lebanonvalleyconservancy.org/cleanwaterweek/) earlier in the day went very well, with some 25 community members participating.
    - B. **Lebanon Valley Conservancy's Lebanon Valley Clean Water Week, Sept. 12-19.** Ongoing. For the full list of events, see TLVC's website at https://lebanonvalleyconservancy.org/cleanwaterweek/
    - C. **Lancaster-Lebanon Watershed Forum, Sat. Nov. 7, Elizabethtown College.** Katie reported on this event and encouraged participation. For more information and to register, visit https://www.lccd.org/events/lancaster-lebanon-watershed-forum-1
    - D. **Possible field trips** to the City of Lebanon Authority's (COLA's) Wastewater Treatment Plant and the Cleona Pumping Station.

The meeting adjourned at 7:53 pm.

Respectfully submitted, Michael Schroeder, Secretary Pro Tem

Appendix 1. LCCD Nomination Materials for Public Director & Farmer Director

Lebanon County Commissioners

Room 207, Municipal Building • 400 South Eighth Street • Lebanon, Pennsylvania 17042-6794
Telephone: 717-228-4427 • Fax: 717-274-8094 • Website: www.lebanoncountypa.gov

Robert J. Phillips
Michael J. Kuhn
Jo Ellen Litz
County Commissioners

Jamie A. Wolgemuth
Chief Clerk/County Administrator
Matthew K. Bugli
County Solicitor

September 8, 2026

TO: All Approved Nominating Organizations of the Lebanon County Conservation District

FROM: *Jamie A. Wolgemuth,* Chief Clerk/County Administrator

RE: Nominations for Conservation District Directors

The County once again requests your support in submitting nominations for vacancies that will occur on the Lebanon County Conservation District Board of Directors. .

The terms of Farmer Director and Public Director are set to expire on December 31, 2026. Rachel Maulfair of 400 South Center Street, Jonestown is interested in being re-nominated to another four-year term as Farmer Director, however; John Poff will not be seeking another term as Public Director

As an approved nominating organization, we ask you to submit one or more names for each candidate vacancy. A district director's term lasts for four years. Any individuals nominated but not appointed as a director will be considered for a non-voting associate director position.

Since the work of the conservation district is so important to the welfare of our county and its citizens, please make a sincere effort to submit names of active and capable persons for this job. A good conservation district director is one who believes in conservation, practices it at every opportunity, and is willing to give freely of his or her time and talents to get others interested as well.

Because of the expanding scope of conservation district programs, the State Conservation Commission urges that every conservation district board contain the greatest diversity possible to best represent the citizens of the county and address the wide scope of interests in local natural resource issues.

Conservation district directors receive no pay for their service. They do receive mileage for travel to and from conservation district meetings. Please be sure the persons you name are willing to attend the conservation district's monthly board meetings on the third Thursday of every month at 12:30 p.m.

We ask that your officers or executive committee submit your membership's nominations on the enclosed form to us no later than November 6, 2026. All nominations received will be maintained on file for twelve months and used in filling any unexpected vacancies that may occur during the year. Once again, we encourage your organization to submit the names of at least one candidate for each vacancy.

Should you have any questions regarding this matter, please contact Hannah Hartman, District Manager of the Lebanon County Conservation District at 2120 Cornwall Road, Suite 5, Lebanon, PA 17042 or at 717-277-5275 ext. 113 or by email: Hannah.Hartman@lccd.org.

PENNSYLVANIA
CONSERVATION DISTRICT DIRECTOR

POSITION DESCRIPTION

POSITION OVERVIEW

A member of the Board of Directors of a County Conservation District has the responsibility for assuring that conservation district policies and practices enhance the natural resources in his/her county. This requires the identification of local natural resource needs and issues, development of management strategies, development and setting of local policy, and coordination of local, state and federal resources.

The position requires an individual be: familiar with the district's resources; generally acquainted with the people and resource conservation problems of the district; and sufficiently concerned to search for and provide solutions to these problems assuring that conservation district policies and practices enhance the natural resources in his/her county.

POSITION RESPONSIBILITIES

Specific director responsibilities include but are not limited to:

1. Be familiar with the Conservation District Law, Act 217 as amended. Know the powers, authorities, responsibilities, and limitations placed upon you by the law.
2. Attend all regular and special meetings of the district board.
3. Accept the responsibilities of any office to which you are appointed within the district board. You should serve on committees and present reports on their accomplishments and activities.
4. Accept the responsibility for assuring that the actions and policies of the district and its employees remain within the limitations of the Conservation District Law.
5. Set local policy to reflect balanced need of the community you represent.
6. Act as the conservation district representative in communicating district action, policy, etc., to your local community.
7. Develop, set, and implement personnel policies and accept responsibility for the hiring and supervision of district staff.
8. Help to enroll landowners as cooperators with the district.
9. Attend state and national conservation district meetings and other meetings on behalf of the district to stay current with conservation issues and programs. When attending meetings on behalf of the district, make an effort to represent the feeling of the board of directors as a whole, not just your personal feelings.
10. Pursue every avenue for additional funding to support district programs and initiatives.
11. Stay informed on conservation issues in your county and be familiar with all laws, policies, and programs important to your district.

12. Develop a working relationship with county government officials, state and national legislators, agency officials, local municipal and county officials, and representatives of organizations that do, or could, cooperate with the conservation district.
13. Develop an annual budget, act as a trustee of the organization's assets, and exercise due diligence to ensure that the conservation district is adequately financed and well-managed.
14. Develop and implement proper financial controls to protect assets, ensure proper financial oversight, and maintain financial accountability of the conservation district.
15. Be thoroughly familiar with district programs and activities.
16. Be positive, innovative, and action-oriented.

POSITION REQUIREMENTS

Candidates for the position must be nominated by a representative countywide nominating organization approved by the State Conservation Commission, and selected and appointed by the county governing body. Individuals should be familiar with natural resource issues, policies, needs, and programs relative to the local area. Individuals must meet the occupational requirements for the director position being filled (i.e. farmer director/public director). Individuals must be capable of attending regular and special meetings of the conservation district board under normal circumstances and locations. Individual candidates' interests, activities, or occupation may not present the potential for conflict of interest or ethical allegations as outlined by the State Ethics Commission, the State Conservation Commission, or the County Government.

January 1998

NOMINEES FOR LEBANON CONSERVATION DISTRICT DIRECTORS

(Form to be filed by countywide organizations)

CONSERVATION DISTRICT LAW REQUIRES THAT THERE ARE TWO DIFFERENT NOMINEES FOR EACH VACANCY.

PLEASE PROVIDE THE TWO DIFFERENT NAMES FOR EACH DIRECTOR VACANCY.

FARMER DIRECTOR

NAME ADDRESS

1st CHOICE _____ _____

2nd CHOICE _____ _____

PUBLIC DIRECTOR

NAME ADDRESS

1st CHOICE _____ _____

2nd CHOICE _____ _____

NOMINATIONS SUBMITTED BY: _____

(Name & Title of Officer)

_____

(Address)

_____

(Name of Organization)

NOTE: Please return this form *AS SOON AS POSSIBLE* but no later than November 10, 2025, to:

Lebanon County Commissioners
Room 207, Municipal Bldg.
400 South Eighth Street
Lebanon, PA 17042-6794

Appendix 2. Summary of August 19, 2026 Site Visit to AC Commons Property along Quittie Mainstem

August 21 email from Jeffrey Schmid, Fisheries Biologist, PA Fish and Boat Commission, Division of Habitat Management

Hello All,

Here are a few of my observations. AC Commons (next to Bomberger's Ace Hardware Store) consists of at least 3 buildings with businesses, including Clift Auto Sales, and the remainder of the property is primarily paved with asphalt. At the back of the property, which is about 170 feet wide, lies Quittapahilla Creek. The property on the far side of the creek is owned by someone else and consists of a relatively wide, flat floodplain that has a fairly dense stand of mature trees. On the AC Commons property, a steep hillside nearly 20 feet high sits above a floodplain bench approximately 6 feet wide on the right descending bank of Quittapahilla Creek. A sanitary sewer pipeline and associated manhole are buried at the toe of slope within this narrow floodplain bench. While some relatively minor erosion gullies were evident on the hillside, there was no exposure of the sewer pipe and no imminent threat of damage to it or the manhole. The hillside is mostly vegetated with a mix of large trees and herbaceous cover, however, an unvegetated trail nearly 10 feet wide runs down the hill from its top to the floodplain bench at its toe. The minor erosion gullies are mostly on this steep, unvegetated trail that provides access to the stream. The property owners would like to provide safer public access to the stream for public fishing and non-powered boating (i.e., canoes & kayaks). They would also like to improve the in-stream fish habitat, reduce erosion, and stabilize the streambank. Several attendees offered suggestions for trail improvements which included timber or stone steps from the top of the hillside down to the floodplain bench. Bryan Hoffman provided information re: pending regulatory rule changes by the PA Department of Environmental Protection for the Municipal Separate Storm Sewer System (MS4) Program which regulates stormwater discharges from small municipal separate storm sewer systems to protect water quality under the Clean Water Act and Pennsylvania's Clean Streams Law. While DEP had planned to put the new regulations into effect during 2026, they have delayed the start of implementation until the Fall or Winter of 2027. It is anticipated that the new regulations will place an emphasis on stream and associated stormwater runoff flow volume reductions by reconnecting stream channels to their floodplain. Additional information about the local MS4 program and the Lebanon County Stormwater Consortium (LCSC).can be found at https://annvilletwp.com/public-works/

Mr. Hoffman indicated that it is unclear what the new MS4 regulations will require, but he advised that little money be spent to implement various Best Management Practices within the stream corridor until the new regulations become effective. He claimed that future work initiated by the LCSC under the new MS4 regulations could potentially remove or alter stream corridor work that is completed prior to the new regulations. He was hoping to prevent such an outcome.

I encouraged the group to continue talking with each other and with the County Conservation District and PA DEP. Stream enhancement projects take time to develop project designs, obtain funding, obtain permits, and identify qualified contractors. I also recommend that conversations be initiated with adjacent and nearby property owners who may also be interested in related improvements on their properties - or NOT.

Jeffrey Schmid

Appendix 3. LCCD Watershed Action Team Meeting Minutes, Sept. 3, 2026

Lebanon CAP Watershed Action Team

Thursday, September 3, 2026 at 9:00 a.m.

Members Present: Bethany Canner, Russ Collins, Reid Garner, Katie Hollen, Dan Kreiser, Kara Lubold, Rocky Powell, Bryan Seipp, and Rich Starr

1. **Applications**
   - Snitz Trib at Ironmaster Rd: Pending funding (2027 CAP funding)
   - TLVC Meadow Conversion Program: $100,000 (DCNR C2P2 grant (pending), $15,000 CAP match for 2027)
   - Wen-Crest Farm: Ag BMP implementation project (2026 CBIG funding)

2. **In-Process Projects**
   - Gingrich Run 1: $204,325 (2026). Streambank restoration and stabilization, concrete dam removal. In permitting phase. Will be resubmitted for permits after design changes to meet the landowner's requests.
   - Sollenberger Meadow Conversion: $1,285 (2026). Anticipating a fall seeding.
   - Halteman Ag Project: $200,000 (2026)

3. **Future Projects**
   - Blecker Ag Project: $50,000 (2026)

4. **Partner Updates**
   - Clear Creeks Consulting
     - See Appendix 1.
   - Lebanon Consortium/MS4, Darren Heisey, provided via email 9/3/2026
     - In a DEP report to their Citizens Advisory Council, they estimate a re-issue date for the MS4 permit of summer / fall 2027, however this should only be taken as an internal estimate, as it is not an "official" release. Either way, DEP shows on their website that they do not intend on publishing the new permit in 2026.
     - Partly due to the above, Stormwater Consortium meetings have been reduced in their frequency to quarterly (as opposed to monthly) until more news comes out on the new permit or associated regulations which would warrant holding these meetings monthly. I continue to monitor things in the meantime.
     - **The SQ1 (Phase 1)** 22nd Street floodplain restoration project continues to grow in. A maintenance contract with LandStudies will continue through 2026, and a new proposal has been put forward for an additional three years of maintenance, which would round out the ideal 5-year initial maintenance period for such floodplain projects.
     - **The SQ1 (Phase 2)** floodplain restoration project is tied to the bridge relocation, and construction is anticipated for 2027, with a let date in late 2026 (assuming funding lines up, etc.). The permit for the bridge work was permitted through DEP around August.

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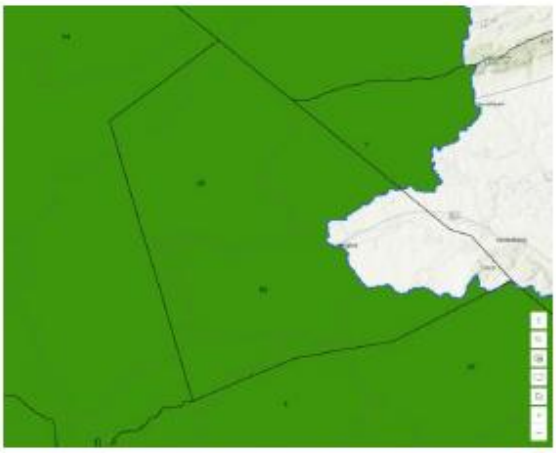
- **For floodplain restoration SQ6**, DEP authorization was received in August (with ACOE auth. having been received back in May). Given the ambiguity in regulatory requirements at the moment and anticipated for some time going forward, the Consortium is not looking to construct the project at this time, but has a design permitted and ready to go once new information comes out and the project may be required to meet pollutant / volume reduction requirements. Reimbursement and a final report for the grant associated with the design of the project is in progress.

- Lebanon Valley Conservancy, Dan Kreiser
  - Waiting to hear about C2P2 funding for lawn conversion. Hoping for an announcement before the next meeting.
- Quittapahilla Watershed Association
  - See Appendix 2.
- Swatara Watershed Association, Bethany Canner
  - Water week events:
    - September 12: Paddle from Harpers Tavern to Swatara Watershed Park.
    - September 16: Rain Barrel Workshop at Swatara Watershed Park.
  - October 15: Participating in Stroud's Salt Watch at 20 sites with LCCD.
- Trout Unlimited, Russ Collins
  - Permit package has been prepared for Barry Farm.
  - Meeting on September 15 with Historic Schaefferstown Farm board.
- EPR, Bryan Seipp/Rich Starr
  - Historic Schaefferstown Farm: Design in progress and crossings have been worked out with LCCD. Will hopefully submit for permits by the end of 2026.
  - Heisey Farm: In permitting. Will have meetings with DEP and ACOE to follow up on permit submission. Waiting to hear on additional funding for construction.
  - Hammer Creek Estates: Construction is complete and woody vegetation will be planted this fall. The landowner shared videos and photos of the site during and after recent storm events. The project did well in the storm last week. There may be minor erosion near the top and some logs moving. A crew will be out on Friday for maintenance.
- Spring Hill Partners, Reid Garner
  - Waiting to hear from Growing Greener about Heidelberg Ave funding.

5. **Lebanon County Conservation District Update**
   - CAP 2026 Award
     - Total award: $624,483 ($114,269 allocated for projects within the Hammer Creek Watershed. The remaining $510,214 can be used anywhere in the Chesapeake Bay Watershed.)

Lebanon CAP Watershed Action Team

- DEP changed the CAP timeline for 2027, but LCCD is still receiving environmental project applications on a rolling basis.
- Reporting in PracticeKeeper update: Use the "Streambank and Shoreline Protection" BMP instance in PK for fish habitats, stone structures (stabilization).
- Most Effected Basins (MEB) map link Untitled map



6. **Next Meetings 2026**
   - October 1 — 9:00 am
   - November 5 — 9:00 am
   - December 3 — 9:00 am

Lebanon CAP Watershed Action Team

Appendix 1. Quittapahilla Creek Project Update, provided by Rocky Powell, Clear Creeks Consulting, via email on 9/2/2026.

Beck Creek 6

As-Bult Survey and Plans – RRG/EPR Completed June 26, 2026
Final PA DEP 319 Grant Report – Clear Creeks Completed July 1, 2026
PA DEP PracticeKeeper – Clear Creeks Data Input Completed July 1, 2026
Project Closed Out with PA DEP

Snitz Creek 2

As-Bult Survey and Plans – Kinsley/EPR Completed March 2026
Pollutant Reduction Model – EPR Completed March 2026
Final Report – Clear Creeks Completed March 2026
PracticeKeeper – Clear Creeks Data Input Completed March 2026
Project Closed Out with PA DEP

Snitz Creek 3

Kinsley Construction Started – June 23, 2026
Phase 1 – Stream Channel Station 0+30 to 9+95 Completed August 11, 2026
Phase 2 – Wetland Construction Completed August 26, 2026
Phase 3 – Stream Channel Station 0+00 to 0+30 Completed August 27, 2026
Storm Damage Repairs Currently Underway

Killinger Creek – Huber and Burkholder Properties

TLVC Selected Contractor - Flyway Excavating	March 20, 2026
TLVC submitted NFWF Grant Application	April 2, 2026
GGP Grant Application submitted	June 3, 2026
NFWF Grant Award Notification:	September 2026
GGP Grant Award Notification:	January 2027
Project Start Date:	Summer - Fall 2027
Project Completion Date:	Fall 2027 - Spring 2028

NFWF Grant Request	$613,242.00
GGP Grant Request	$259,619.00
Total Grants Requests	$872,861.00

Bachman Run – Gary and Gerald Horst Properties

DFTU Selected Contractor – Kinsley Construction May 1, 2026
Construction Cost - $924,360.00

Lebanon CAP Watershed Action Team

Includes $138,125.00 Cost of Bender Lane Culvert

LCCD Letter of Support:	May 15, 2026
NRCS Letter of Support:	May 15, 2026
GGP Grant Application submitted	June 4 2026
319 Grant Application submitted	June 4, 2026
GGP Grant Award Notification:	January 2027
319 Grant Award Notification:	October 2027
LCCD ACAP Gerald Horst Cost Share Agreement	February - March 2028
Project Start Date:	Spring – Summer 2028
Project Completion Date:	Fall 2028

319 NPS Grant Request	$743,023.00
GGP Grant Request	$279,951.00
LCCD ACAP	$50,880.50
Total Grants Requests	$1,073.854.50

Snitz Creek 4

Preliminary Design Completed June 23, 2026

Preliminary Design Presented during Landowner Meeting – June 29, 2026

Individual Meetings with Landowners not Attending Meeting – July 14 to August 7, 2026

Two landowners rejected the proposed work on their property requiring revisions to the design plans and original SOW. For example, the proposed Stormwater Retrofit and clearing along wooded slopes to accommodate grading to increase floodprone area. Stormwater Retrofit dropped from SOW. Clearing eliminated on wooded slope.

Two additional landowners OK with proposed design. However, they refused to sign Landowner documents due to 20 Year Encumberence.

Meeting with PADEP to discuss landowner issues (i.e., 20 Year Encumberence and change in SOW). Dropped one landowner from Project. For the other landowner we are assisting them with the possibility of Cornwall Borough acquiring the portion of their property along the Project Area.

After revising the current SOW we will prepare revised design plans that address landowners concerns, but still meet the overall objectives of the Project. We will then submit permit applications for local, state and federal permits.

Because the revisions, land acquisition and permitting cannot be completed prior to Grant Period deadline, we are currently requesting an extension from PADEP.

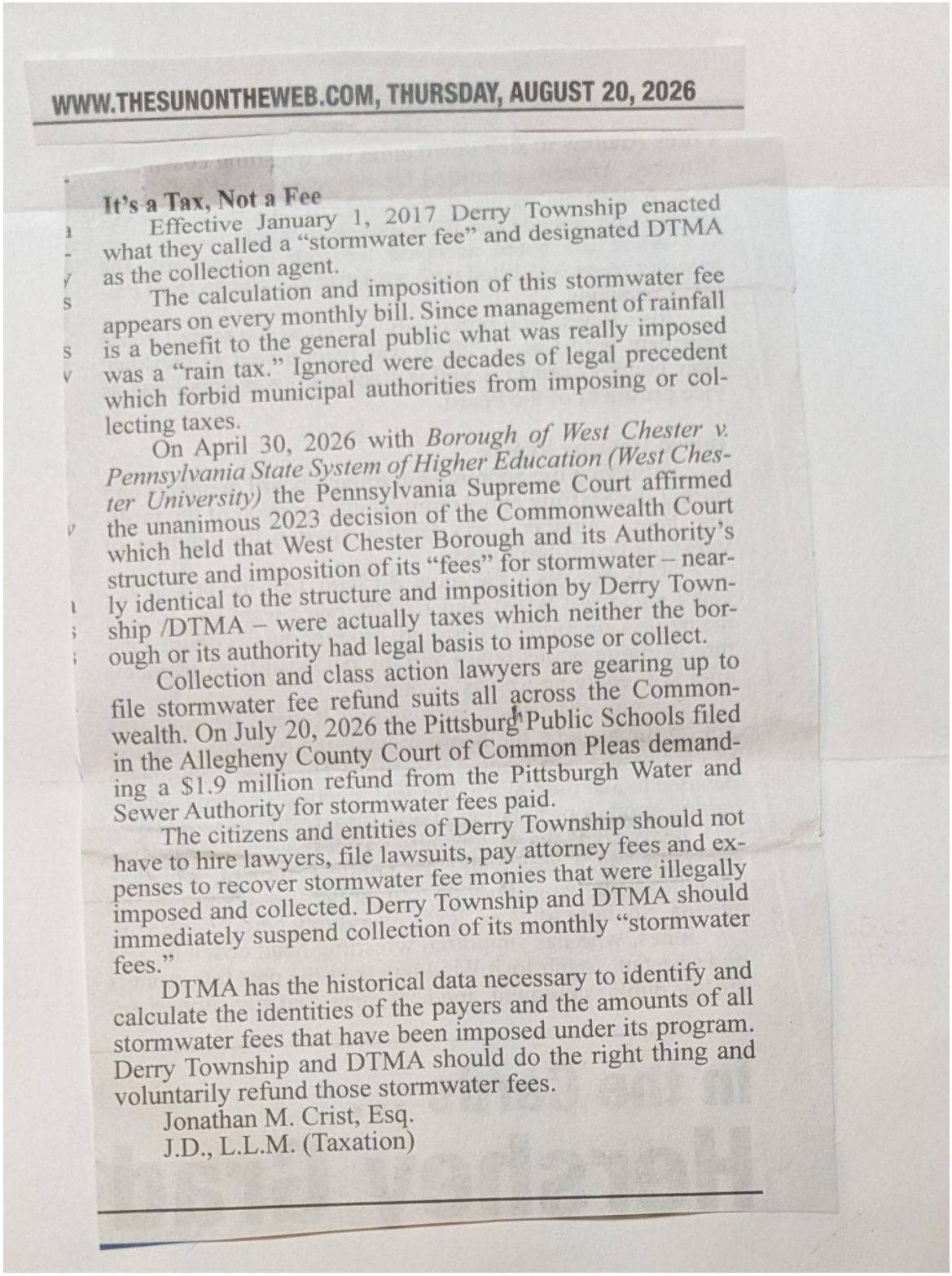
Lebanon CAP Watershed Action Team

Appendix 2. QWA Monthly Update for the LCCD Watershed Action Team, submitted by Mike Schroeder, QWA President, via email on 9/3/2026.

Michael Schroeder, President, Quittapahilla Watershed Association
For the meeting of Sept 3, 2026

1. Monitoring Program
    A. Katie Hollen coordinated our routine fieldwork at our six monitoring sites on August 6 and 12.
    B. Equipment. Bob Connell has been working with Doc Fritchey Trout Unlimited for replacement of the pH sensor on their sonde. The Solinst sensor at Q1 in Cleona is now working fine.
    C. Data management: Bob Connell continues to update and refine our Water Quality Portal, at https://quittiedata.org/. Bob will likely schedule a fifth qGIS workshop in the fall. Study materials, downloads, and other helpful items on the first four workshops are accessible at https://quittiedata.org/GIS/
2. Potential Project in Annville. A field site visit was held on Aug 19 with the owners of the AC Commons property at 1236 E Main St for a potential restoration project along the Quittie mainstem.
3. A strategizing meeting on Grow Conservation's recommendations for the QWA moving forward was held on Wed Aug 5 at the LCCD office. Notes from that meeting will be included in the QWA's regular monthly meeting minutes of Aug 18.
4. Education & Outreach. For the Lebanon Valley Conservancy's Lebanon Valley Clean Water Week, Sept. 12-19, Mike will lead a guided walking tour, "Ghost Landscapes of Quittie Creek Nature Park," 4-6 PM Tues Sept 15; see the announcement & registration link on the FOOA website at https://www.fooa.org/events
5. The next QWA meeting will be at 7 PM Tues Sept 15 in the Community Room of the Annville Free Library and on Zoom.

Appendix 4. Newspaper Clipping & Note from Kent Crawford re Stormwater Mgmt Fee & PA Supreme Court Ruling in April and Bryan Hoffman's Response



It's a Tax, Not a Fee

Effective January 1, 2017 Derry Township enacted what they called a "stormwater fee" and designated DTMA as the collection agent.

The calculation and imposition of this stormwater fee appears on every monthly bill. Since management of rainfall is a benefit to the general public what was really imposed was a "rain tax." Ignored were decades of legal precedent which forbid municipal authorities from imposing or collecting taxes.

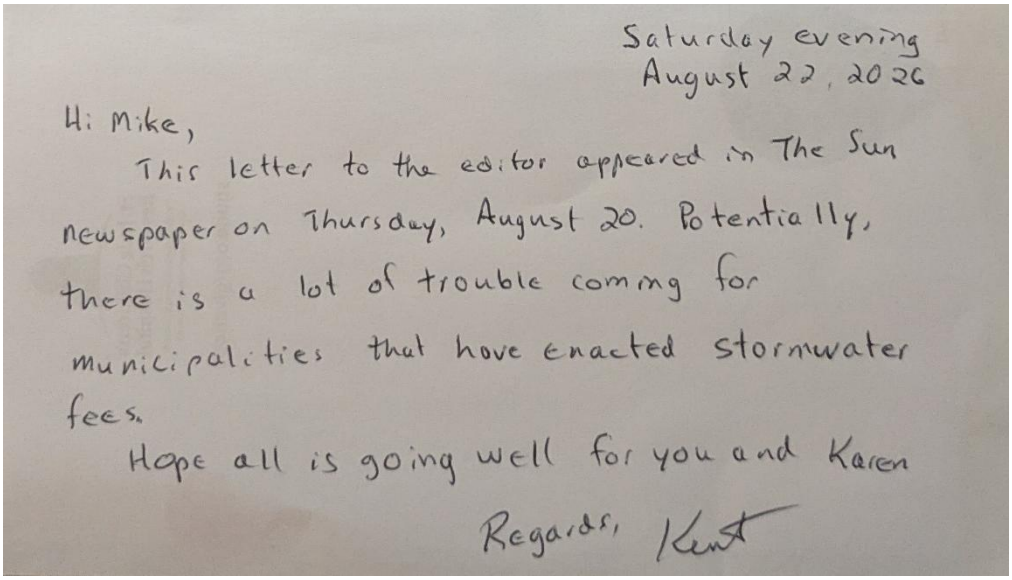
On April 30, 2026 with *Borough of West Chester v. Pennsylvania State System of Higher Education (West Chester University)* the Pennsylvania Supreme Court affirmed the unanimous 2023 decision of the Commonwealth Court which held that West Chester Borough and its Authority's structure and imposition of its "fees" for stormwater – nearly identical to the structure and imposition by Derry Township /DTMA – were actually taxes which neither the borough or its authority had legal basis to impose or collect.

Collection and class action lawyers are gearing up to file stormwater fee refund suits all across the Commonwealth. On July 20, 2026 the Pittsburg Public Schools filed in the Allegheny County Court of Common Pleas demanding a $1.9 million refund from the Pittsburgh Water and Sewer Authority for stormwater fees paid.

The citizens and entities of Derry Township should not have to hire lawyers, file lawsuits, pay attorney fees and expenses to recover stormwater fee monies that were illegally imposed and collected. Derry Township and DTMA should immediately suspend collection of its monthly "stormwater fees."

DTMA has the historical data necessary to identify and calculate the identities of the payers and the amounts of all stormwater fees that have been imposed under its program. Derry Township and DTMA should do the right thing and voluntarily refund those stormwater fees.

Jonathan M. Crist, Esq.
J.D., L.L.M. (Taxation)



Saturday evening
August 22, 2026

Hi Mike,

This letter to the editor appeared in The Sun newspaper on Thursday, August 20. Potentially, there is a lot of trouble coming for municipalities that have enacted stormwater fees.

Hope all is going well for you and Karen

Regards, Kent

Bryan Hoffman Email, Sept. 15:

Mike

Well the supreme courts decision is far from clear. The decision involved West Chester, a borough. In case you don't know, the rules/laws in PA are not consistent between the various political subdivisions. In simple terms Cities, Boroughs, Townships, and special purpose Authorities (like a sewer authority) can and cannot do different things.

The Supreme Courts ruling concerned a Borough. The court did not extend its decision to Cities, Boroughs, Townships or Authorities. They could have done so, but did not.

Which means, at the moment, the ruling has no effect on anything but Boroughs. Which leads to a couple of possibilities. Someone in another entity, say a Township could bring litigation, let it go back to the Supreme court and see how they rule.

Or the PA legislature could clean up the mess and pass a law which clarifies what each entity can and cannot do. But don't hold your breath.

Which leaves everyone in an impossible position. I read the letter you attached and I appreciate the feeling that people think the fees are unfair and there should be refunds. But that ignores two realities: first the legal mandate to do the projects does not go away and second much of the money collected has been spent. Some entities may simply not have the cash to make a refund.

And the situation becomes more complex with respect to Authorities. Authorities are specifically allowed by law to collect fees. I am not sure anyone would seriously argue that your sewer bill is or should be a tax. If that is true then it would seem paying a fee to essentially dispose of storm water follows that same logic. And as extension of that thinking, should non profits say a school get their sewer service for free? Because if storm water is a tax then sewer service needs to be as well.

Which brings us back to all of it is just a big mess.

And to add to the confusion, there is a pending court case to decide if Authorities should come under the purview of the PUC. Which if it is determined they should be, will add yet another layer of complexity to this already complicated situation.

There you go, clear as mud!

Bryan