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Paxton Creek removed from list of impaired streams and restriction on future development is averted, thanks to information presented by HBA coalition

HARRISBURG, PA—A decision by environmental officials to remove Paxton Creek from a list of impaired streams will avert remediation measures that could have been so costly that future development within the creek watershed might have been halted, the president of the Home Builders Association of Metropolitan Harrisburg (HBA) said today.

“This is an important victory for taxpayers in communities on the East Shore,” HBA President Mark McNaughton said. “The designation of Paxton Creek as an impaired stream was based on flawed science. Had it been allowed to stand, we could have been looking at water-quality standards so strict that continued development would have been virtually impossible. The economic impact to our area could have been devastating.”

Using criteria established by the U.S. Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Protection (DEP) had placed Paxton Creek on a list of streams subject to a “total maximum daily load” of pollutants—known as a TMDL. The TMDL for Paxton Creek would have required near elimination of nutrients such as phosphorus from going into the waterway.

HBA led a coalition that fought the TMDL designation before the state Environmental Hearing Board and then asked for a review of the EPA criteria by the federal Science Advisory Board, a body of high-level independent scientists that reviews technical information used as the basis of EPA regulations.

Robert J. Fisher, an engineer who worked with HBA on the effort, said the coalition argued that the data on which DEP and EPA relied failed to prove that the imposition of a TMDL on Paxton Creek would be an effective remedy to improve the stream quality.

In April 2010, the Science Advisory Board issued a 46-page report that took issue with several aspects of EPA’s TMDL criteria. The board’s cover letter said, among other things, that EPA’s statistical methods in developing criteria did “not present a complete or balanced view” and that “restructuring and substantial revision” was needed.

In December, when DEP submitted its latest Water Quality Monitoring and Assessment Report to the EPA, Paxton Creek was no longer listed as an impaired stream.

“That meant that our arguments had finally prevailed,” Fisher said. “We’re grateful for all the support and effort that helped achieve this end-result.”

Along with HBA, the coalition included the Pennsylvania Builders Association, the Pennsylvania Association of Realtors®, Lower Paxton Township, and a number of individual developers. The group was represented by attorney John Hall of Hall & Associates, Washington, D.C.

McNaughton said the cost of treating stormwater runoff discharged within the watershed would have been prohibitive and the TMDL so restrictive as to be unattainable. He estimated the cost of upgrading water treatment would have been in the “many millions of dollars” and probably would have made new development in areas such as Lower Paxton and Susquehanna townships too expensive to pursue.

McNaughton said a recent HBA-commissioned study done by Dr. Elliot Eisenberg, senior economist with the Housing Policy Department of the National Association of Home Builders, underscored the importance of home-building to the economic health of local municipalities.

The study concluded that a representative group of 100 single-family and 67 multifamily homes built in the Harrisburg metro area in 2008 would generate a cumulative \$29.2 million in revenue over a 15-year period, more than offsetting \$13.8 million in costs. It also highlighted the home-building industry’s role as the eighth largest employer in the Harrisburg area in 2008.

“The Eisenberg study proved that development is a key driver of economic growth in our municipalities,” McNaughton said. “If development had ground to a halt because of water quality concerns that were basically unsound, local municipalities could have been hit with unjustified costs and the loss of potential tax revenues. That’s why we’re calling attention to this outcome.”

HBA is an association of building and remodeling professionals and related companies. HBA membership includes over 800 business organizations. It is affiliated with the National Association of Home Builders and the Pennsylvania Builders Association.

To learn more about the Home Builders Association of Metropolitan Harrisburg, visit www.harrisburgbuilders.com.

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