

Policy Panel Discussion

Joe Plummer, Moderator

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The following is a transcription.

THE POLICY PRESENTATIONS

Joe Plummer, Moderator

One of the guiding values of an environmental city is that it provides new models of public participation so community values can be connected with the developments that are occurring and so that we can define ways to live in a sustainable manner. We have heard that there is great importance in looking at the larger picture, I think that specifically in the context of the greenway here we need to be looking at the watershed issues that will ultimately effect the beauty and health of Nine Mile Run. We also have heard that we are working in the context of many discussions around the country that are going on in the area of sustainable development. It falls then to us after hearing the history of NMR to examine the aspects of developing what is at times an enormous and daunting project to create a green space and extension of Frick Park to the Monongahela River, where there is now a slag heap and an open sewer. How we convert that space into something that is green, something embedded in our values and the amenities of our community, is a challenging task.

Don Berman on sustainable government and the nature of cooperation

One of the questions posed in this workshop is: "What public policy tools exist or are needed to encourage intermunicipal cooperation in the management of environmental resources on the basis of geographical factors?" For the purpose of this discussion I would like to broaden the scope of that question just a little, adding to the subject the cooperation of all the affected parties—municipal officials, the developers and the public at large.

First to intermunicipal cooperation. I have given this talk at a number of seminars where public officials have been in attendance and I always begin by asking five questions:

1. Can governments cooperate?
2. When should governments cooperate?

3. What types of cooperative programs should be considered?
4. Why should governments cooperate?
5. Will governments cooperate?

First Question: Can governments cooperate?

There is no question that the answer is certainly yes. I have witnessed past efforts such as joint purchasing, equipment sharing, emergency response, provision of sewer and water services. The list can go on and on. As far as public policy is concerned local governments already have the legal authority through existing legislation which permits them to enter into an agreement, a contract or an environmental compact. They can cooperate in any number of ways—should they chose to do so. As a result, no additional legislation is required. Only the effort.

Second Question: When should governments cooperate?

It seems to me that they should cooperate where cooperative agreements hold promise of addressing a legislative requirement or where cooperation would address an environmental problem in a more advantageous manner than going it alone. The solid waste management program, where plans are mandated and are required to be drawn on county boundaries, is an example where cooperation can address a legislative requirement. In a similar manner, stormwater management plans must be based on watershed boundaries. This particular legislative requirement was put into the law in recognition of the difference between the existing topography of the hills and valleys and man's superimposition of his territorial ownership lines on those features.

Third Question: What types of cooperative programs should be considered?

The specific program will depend on the particular situation being looked at and could include any of the types of cooperative approaches I've mentioned

before. With regard to the Nine Mile Run Project, there is no doubt that the area is beset with water related problems of both a water quantity and water quality nature. From a regularity standpoint both the Department of Environmental Protection (state) and the County Health Department (local) are looking for drainage basin wide solutions for both of those situations. Thus the entire watershed from the top of the ridges to the Monongahela must be included in all planning and implementation activities. The total area includes portions of four separate municipalities and in addition the potential problems associated with air, water quality and increased traffic do not respect municipal boundaries. As a result, intermunicipal cooperation will be required and the old fear of any single municipality getting the "dirty end of the stick" syndrome is going to have to be put in abeyance.

Fourth Question: Why should governments cooperate?

Because the economies of scale are evident. Environmental amenities in the general area can normally be enhanced by working together. With regard to public policy, many grant and low interest loan programs now give priority points to multi-municipal projects.

Fifth Question: Will governments cooperate?

With your forbearance, I'll hold the answer to that question for a minute and, instead, get to the second half of my subject of cooperation. Here, instead of questions I'd like to give you three definitions:

1. Cooperate: to me that means teamwork and mutual assistance;
2. Participation: have a hand in, share in;
3. Stakeholders: all persons and agencies potentially impacted.

In the Nine Mile Run area there are a number of groups of stakeholders and each has its own agendas and concerns. For example, municipalities are concerned with growth and tax revenue. Developers are concerned with the ability to proceed on time and on schedule in order to make a profit when and if they undertake a particular project. Neighbors are fearful that a given project may negatively effect their property values, their health, the aesthetics of the area or all of the above.

With all of these differences it is understandable that there is doubt, mistrust and a feeling of being put upon by all parties concerned. Yet there is a light at the end of the tunnel and the line of sight to that light starts with a willingness of every single

stakeholder, all of them to sit down at a table where everyone agrees to play with an unmarked deck, all the cards are played face up and no player has an ace up the sleeve in the form of a hidden agenda.

An example of how that works: I recently served as a member of a solid waste stakeholders group sponsored by the State Department of Environmental Protection. At the table there were about 23 representatives from the solid waste industry, county and local governments or various environmental groups. A conglomeration of interests if ever there was one. While there were tough questions addressed and in some instances hard language used, we always came back to the basic theme: What can we agree on? We could not reach consensus on every point and some points were so contentious they were put off to another time. But on the whole most participants did find that the other side had valid arguments and there was no shame in compromise. As a result, the group came out with a document that now forms the basis for the Department's legislative program dealing with solid waste management issues in Pennsylvania. The Nine Mile Run Project is at the beginning of a process which could lead to the same kind of mutually agreeable conclusion. Whether that results in implementation with some of the more important conditions agreed to or whether it results in the project being canceled because there are too many major problems which cannot be addressed in any manner. It's up to the stakeholders to reach a mutually agreeable endpoint. Let me finish by getting back to an expanded version of the last of the five original questions: Will governments cooperate?

I can only answer in the same way that I do everytime I give this presentation...I sure hope so.

Ray Reaves on financing Nine Mile Run improvements.

The subject of my remarks is how to finance the construction and maintenance of improvements in the Nine Mile Run valley floor, commonly thought of as a greenway extension of Frick Park to the Monongahela River.

People part with their money more willingly in their role as consumer than they do in their role as taxpayer. We don't hassle too much about spending money at the supermarket or the clothing store. We know about how much these things cost and we select our goods and pay the price. But when it comes to paying for government goods and services there is more resistance. People have doubts about value received for the taxes and fees they pay. Therefore, we need to construct a financing approach to the greenway which will link its value to

the expenditure we ask people to make in their role as consumer. Fortunately a great deal of work has been done to quantify the benefits of maintaining or enhancing the natural environment and to assign the costs to those who benefit from this work.

Two types of costs must be quantified: construction and maintenance. The quantification will be forthcoming as the project moves forward into the design phase. However, lack of details is not a problem at the conceptual level we are discussing today. On the benefits side of the equation, greenways yield many. These include economic, environmental, recreational, educational, health and safety. So, our challenge is to link costs to those who will benefit from the greenway.

There are at least three ways this can be done:

1. Tack a charge on the purchase price of each unit built in the proposed development above the greenway.
2. Set aside a portion of the annual real estate taxes from each new unit plus existing units adjacent to the greenway. These two approaches rest on the evidence that property values are greater the closer a dwelling is to a park, greenway, or similar natural amenity assuming quality design and good maintenance.
3. Establish a stormwater benefit district.

With respect to the first option, it is fairly common in some areas to levy impact fees on new construction. The logic of this is clear when, for example, a large new development adds substantial new cars to the road system. However, in the case of the greenway which is to be dedicated as a city park, many more people than live in the new development will impact and benefit from a well-managed greenway.

The second option broadens the base to include more beneficiaries of the park and greenway. However, the beneficiaries of a well-designed and managed Nine Mile Run greenway are, again, even more numerous and the basis on which the greenway will be constructed and managed should be broadened even further.

Also, with respect to options one and two, the city needs all the taxes it can realize from the development and it is not necessary to covet their anticipated income to accomplish our goal with respect to the greenway. Therefore, we should look for a broader base of beneficiaries.

The third option captures these broader benefits and is based on the fact that the proposed greenway is the terminus of the entire Nine Mile

Run watershed. Everyone who lives in the watershed whether in the city of Pittsburgh, Edgewood, Swissvale or Wilkinsburg is a beneficiary of sound watershed management and, consequently, should pay for the benefits.

Accepting this logic requires the understanding that rainwater which does not get absorbed into the ground does not disappear. When we discharge wastewater from our homes we realize, if we think about it, that the stuff also does not magically disappear but instead goes to ALCOSAN, a utility, and is treated before being put into the river. In the same manner, the watershed provides a utility which, in an urban setting, requires management to be effective.

Another problem in Nine Mile Run is that storm and sanitary water gets mixed and overflows into the stream at times causing pollution. Fortunately the proposed approach can also deal with this problem.

Thus, we have the opportunity to achieve four goals with a stormwater district approach:

1. Ensure that stormwater is managed without causing damage or pollution;
2. Eliminate the existing pollution problem;
3. Build the greenway; and
4. Maintain the greenway.

The technique to achieve all of this is the Storm Water Management (Benefit) District. This approach is common in other states primarily in the West. However, a brief description of the project in the Dayton, Ohio area will illustrate the success of the approach. Following a disastrous flood in 1913 leaders of that area decided to prevent future flooding. They formed the Miami (Ohio) Conservancy District under state law. Today, the District serves five counties and manages the watershed of the Great Miami River and its tributaries. The District is financed by assessments on all property in the watershed.

A few years ago after the disaster in the Pine Creek watershed in the North Hills of Allegheny County, the County Planning Department and a consultant designed a Storm Water Management District to be tried in the County. After numerous meetings with the affected communities, the county and various state departments and legislative committees, a bill was introduced to permit the creation of districts. Under the proposed legislation, an average homeowner would pay between \$1.00 and \$2.00 per month to finance the administration and maintenance of the district. If major construction projects were undertaken this amount would go up to pay for them. However, even in

light of such modest costs the legislation has never been passed due to unfounded fears by municipalities that the county would gain power at their expense. Nevertheless, as demonstrated successfully in other parts of the nation, the approach is a good one.

Nothing as dramatic has happened in the Nine Mile Run watershed. However, the broken sewers and polluted stream are problems which should be addressed in any case. Granted, construction of a new sewer will add costs to the property owners in the watershed in addition to estimates for watershed management alone. But, on the positive side, we can solve the infrastructure problems and at the same time we can build a magnificent greenway which will benefit us and our grandchildren.

Creation of a stormwater management district, the repair of the sewage problem, cleaning the stream, building and maintaining the greenway will require intermunicipal cooperation. This, of course, is extremely difficult in our region but the potential benefits are worth the try. State funds available through sewer and storm water legislation can help us in our work, although the primary responsibility for organizing, planning, and action is ours. (Act 167, the Storm Water Management Act; PennVest water and sewer loans and grants; Act 537, sewer planning matching grant).

The key to action is the willingness of the citizens to grasp the opportunity and push our leaders to lead.



The current approach to a 100-year-old problem of municipal water pollution in a public park.