

## **Senator's committee on Intergovernmental Operations**

### **Regulatory Reform, Red Tape Reduction and Transparency**

Hearing on:  
Thursday December 12, 2019

Martin's Famous Pastry Shoppe, Inc.  
1000 Potato Roll Lane  
Chambersburg, PA 17202

Written Testimony  
By  
J. Anthony Martin, Executive VP

Martin's Famous Pastry Shoppe has been blessed with continuous growth for over 40 years. We provide over 600 jobs locally and work with business partners totaling 1600 families. We are concerned that Government is hurting Pennsylvania businesses and consequently the employees are negatively impacted. We live in the community and want clean water and clean air just like everyone else. We need government to work for the people not for the special interest groups. These groups have pushed legislators to enact rules that have stymied business from being nimble and competitive.

We have seen government regulation grow for the past 20 years to the point of stagnation. We have seen the rise of EPA and DEP rules on clean air and water that gave us a catalytic burner incinerating the fresh smell of baked bread. Now we are seeing land use regulation stifle growth and innovation. The time and cost it takes to do projects is excessive.

I am going to include two examples of recent projects. The one project was to build a small 12,000 ft building to store our bread trays. The other project is to move our corporate entrance to align with a neighbor's road to improve safety by adding a turning lane. This project is not completed or approved yet after 4 years.

**Pole Shed:**

**1.** In 2010 PA adopted Post Construction Storm water Management Regulations resulting in making Storm water Plans for developers to be much more sophisticated and technical than under previous regulations which were generally governed by the local municipalities. These adopted regulations imposed several new approaches to storm water management for development projects that resulted in increased costs to 1) prepare plans for permits, 2) construction of facilities and 3) ongoing maintenance. Also as you are aware the size and scope of the management facilities increased resulting in additional land costs for developers. These increased costs in my view are directly attributable to the following design requirements which the regulations impose:

- a) The assumption of existing non-developed land as "Meadow" under pre-development conditions.
- b) The assumption of 80% of existing impervious area on developed sites to be "Meadow"

c) Requiring the Retention of storm water onsite by Infiltration, Reuse or Development of Restoration BMPs accounting for 100% of the volume difference between the pre and post development storm up to the 2yr-24hr event.

d) Providing loading ratio guidelines for infiltration BMP's which are excessively low. (Example: for every 3 acres of impervious area one needs 1 acre of infiltration area within a facility).

These design requirements are excessive and overly conservative in my view. They start by making the most conservative assumption of meadow which results in an increased volume difference to be retained and then the manner in which the volume is retained (infiltrated in most instances) has excessive guidelines to follow. All of which results in highly conservative and costly storm water management facilities.

These regulations are akin to requiring all wastewater treatment plants to be sized and designed to treat the most toxic wastewater even though you only propose to collect and treat domestic wastewater.

2. The new regulations also imposed the requirement for all development which disturbs more than 1 acre to obtain an NPDES permit for Storm water Discharges Associated with Construction Activities. In 1996 this limit was 25 acres and then it was reduced to 5 acres and now it's 1 acre. As I understand it they are looking to revise this approach but as of now it has not been.

3. With PADEP they relegate the review of the required Post Construction Storm water Plan in the NPDES Applications in most cases to the local conservation district technicians. This is unfair to the local technicians who are simply not able to fully understand the sophistication of some of the storm water plans. The regulations require a Certified Professional Engineer to prepare and certify the plans as compliant but then the plan is reviewed typically by someone who does not have these credentials and has only gone through some training. This is one of our biggest issues as it relates to cost of preparing the plans. We spend hours and hours of time either redesigning to meet comments or preparing unnecessary documents to convey the design concepts proposed to get the necessary approvals.

4. With the new regulations we on some occasions have 3 entities to satisfy with regard to Storm water Ordinance compliance. They include PADEP, Township Storm water Ordinances and County Act 167 Ordinances. Sometimes they conflict and sometimes we have to design additional facilities to meet each separate Ordinance. For example on your plan the design of the storm water piping we used a computer program called HydraCAD to size the piping. This was okay with PADEP but the Township Engineer wanted to see us use a different program so we had to design the piping twice resulting in the same sizing to satisfy both review agencies. Putting storm water under one agency would be a vast improvement.

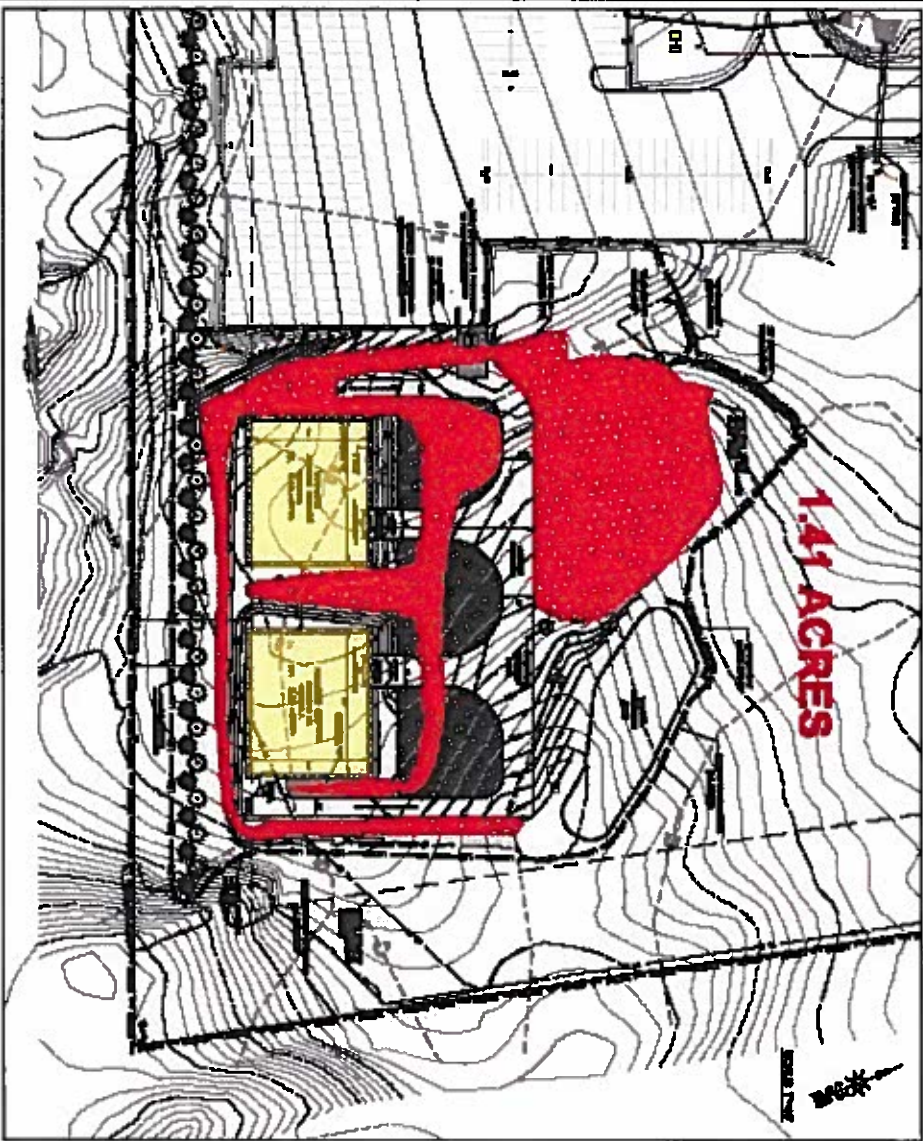
5. Last and the newest issue is MS4. EPA is making local municipalities in what they deem as Urban Areas to address Storm water Pollution. Currently the approach locally is to impose a storm water fee based upon impervious area. This collected fee would then be used to develop Storm water enhancements within the Township/County. This is currently a big issue but has not reared its head at the development stage as yet but that is the next step.

#### Pole shed.

- 12,000 sq. ft
- Took 8 months to get building permit
- \$32,000 civil engineering fees.
- \$5,000 Recreation fee.
- \$200,000 excavation costs. Estimate \$30,000 without storm water detention systems.

#### New entrance off 316

- Started permit process with Penn Dot –October 2016
- \$150,000 Civil engineering fees to date.
- Roughly 12 submissions or resubmissions each with associated Civil fees to submit.
- We are being asked to foot entire cost of permitting, engineering, and eventual construction of turning lane. In essence, a private business is financing an improvement to a state road that will benefit multiple businesses, private residents, and provide a safer travel route.



DATE	DESCRIPTION
11/11/11	Initial Design
11/11/11	Final Design
11/11/11	As-Built

NO.	DESCRIPTION
1	Site Plan
2	Site Plan
3	Site Plan
4	Site Plan
5	Site Plan
6	Site Plan
7	Site Plan
8	Site Plan
9	Site Plan
10	Site Plan
11	Site Plan
12	Site Plan
13	Site Plan
14	Site Plan
15	Site Plan
16	Site Plan
17	Site Plan
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43	Site Plan
44	Site Plan
45	Site Plan
46	Site Plan
47	Site Plan
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50	Site Plan

**GENERAL NOTES:**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING CODE (IPC).
3. ALL UTILITIES SHALL BE DEPTH TESTED PRIOR TO CONSTRUCTION.
4. ALL FOUNDATIONS SHALL BE CONCRETE ON COMPACTED FILL.
5. ALL ROOFING SHALL BE AS SHOWN ON THE ARCHITECTURAL DRAWINGS.
6. ALL EXTERIOR FINISHES SHALL BE IN ACCORDANCE WITH THE ARCHITECTURAL DRAWINGS.
7. ALL INTERIOR FINISHES SHALL BE IN ACCORDANCE WITH THE ARCHITECTURAL DRAWINGS.
8. ALL MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC), THE NATIONAL FIRE ALARM AND SIGNALING CODE (NFPA 72), AND THE INTERNATIONAL PLUMBING CODE (IPC).
9. ALL MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC), THE NATIONAL FIRE ALARM AND SIGNALING CODE (NFPA 72), AND THE INTERNATIONAL PLUMBING CODE (IPC).
10. ALL MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC), THE NATIONAL FIRE ALARM AND SIGNALING CODE (NFPA 72), AND THE INTERNATIONAL PLUMBING CODE (IPC).

<p><b>DATE:</b> 11/11/11</p> <p><b>SCALE:</b> 1" = 10'</p> <p><b>PROJECT:</b> 15221-01.dwg</p> <p><b>CLIENT:</b> MARTINE FAMILIS PASTRY SHOPPE, INC.</p> <p><b>LOCATION:</b> 15221-01.dwg</p> <p><b>DESIGNER:</b> [Redacted]</p> <p><b>CHECKER:</b> [Redacted]</p> <p><b>DATE:</b> 11/11/11</p>	<p><b>DESIGN &amp; SUBMITTAL CONTROL PLAN</b></p> <p><b>MARTINE FAMILIS PASTRY SHOPPE, INC.</b></p>	
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