



**TESTIMONY BY  
THE PENNSYLVANIA STATE ASSOCIATION OF  
TOWNSHIP SUPERVISORS**

**BEFORE THE  
SENATE AND HOUSE VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS COMMITTEES**

**PRESENTED BY**

**DAVID M. SANKO  
EXECUTIVE DIRECTOR**

**SEPTEMBER 27, 2011**

**HARRISBURG, PA**

Chairman Baker, Chairman Barrar, and members of the Senate and House Veterans Affairs and Emergency Preparedness Committees:

Good morning. My name is David M. Sanko, executive director for the Pennsylvania State Association of Township Supervisors. We are a non-profit and non-partisan association appearing before you today on behalf of the 1,455 townships in Pennsylvania that we represent. Thank you for the opportunity to participate.

Townships comprise 95 percent of the commonwealth's land area and are home to more than 5.5 million Pennsylvanians — nearly 44 percent of the state's population. These townships are very diverse, ranging from rural communities with fewer than 200 residents to more populated communities with populations approaching 60,000 residents.

We thank the committees for the opportunity to comment on the issue of small disaster assistance. Communities that receive significant damage from a localized disaster that does not qualify for federal assistance would benefit from such a program.

Our commonwealth is prone to localized disasters, particularly flooding, and Plymouth Township, Luzerne County will provide details on its recent experience later in today's hearing. In fact, our members passed a resolution at our 2008 state conference in support of legislation to make municipalities eligible for state funding, without a county or state declaration, when damage resulting from a local disaster exceeds 50 percent of a municipality's annual budget.

When a small disaster imposes significant damages on a community's infrastructure, the township must have a means to quickly repair damaged infrastructure such as roads, bridges, major equipment, and sewer and water lines, which are vital to the restoration of the community and commerce. When such a disaster is significant, assistance through grants and low-interest loans would be extremely helpful in the restoration of critical services so that residents and businesses are not cut off from the community while allowing a municipality to maximize the use its taxpayers' dollars. In fact, about 25 states currently have small disaster assistance programs.

Though we support such a program, we recognize that there are challenges to its creation. As we understand it, federal disaster assistance rules require states to exhaust their funds before receiving federal aid. It is for this reason that there is not a state budget line item for disasters, but rather emergency funding is transferred to deal with disasters as they arise. As such, the solution may be to develop a program with specific criteria and funding mechanisms, but without a dedicated funding source. Funding could be transferred into the program through legislative or executive authorization if and when a particular event meets the criteria established in the legislation.

We suggest that in crafting such a program, that the California state public disaster assistance program be examined, which, to our understanding, has worked successfully without compromising federal aid in the event of a Presidential disaster declaration. The California program provides for the reimbursement of costs incurred by local governments as a result of a

localized disaster event. This includes funding for the repair, restoration, or replacement of public real property that is damaged or destroyed by a local disaster. It does not include funding for overtime incurred in responding to an emergency.

Funding is made available to communities when the Secretary of the California Emergency Management Agency concurs with a local emergency proclamation requesting state disaster assistance and after a minimum of \$2,500 in local damages is incurred. The program also provides for the reimbursement of some local government costs in the event of a state of emergency proclaimed by the Governor.

Funding for the California program varies with the type of disaster, at the discretion of the state legislature. The enabling statute states that no funds allocated under the program shall be used to supplant federal funds otherwise available in the absence of state financial relief.

Again, a primary difficulty in establishing a state program is if and, how, to fund it. Legislation from past sessions has included a surcharge on property and/or renter insurance policies ranging from a flat \$2 to .25 percent of the premium to provide funding for a small disaster assistance program. Other proposed funding sources include a portion of the alcohol tax. Either could be a helpful source, if the program could be set up in such a way that the funding is not drained in the event of a Presidential disaster proclamation and made unavailable for small disasters.

Any discussion of a small disaster assistance fund should focus on disaster mitigation. While additional funding for disaster mitigation would be helpful, our members believe that many flooding disasters could be significantly reduced or eliminated if municipalities were able to take preventative action, particularly cleaning out our streams and rivers. The current DEP process to obtain an emergency permit should be streamlined so that townships can go into streams and take corrective action before, and not after, a disaster occurs. Buildup of gravel bars and other items in the streambed can occur quickly and significantly increase the chance for flooding damage and its severity. Many townships in the northern tier believe that the inability to take corrective action was a primary reason why recent flooding was so severe.

Specifically, we recommend that DEP amend its regulations to develop a process to pre-authorize emergency issuance of all general permits needed to allow municipalities to remove any stream impediment, such as fallen trees or gravel bars, which occur suddenly and for which delayed removal could contribute to local flooding. We believe that doing so would substantially reduce localized flash flooding and therefore reduce the damage caused to municipal infrastructure, local businesses, and private homes – and therefore the need for assistance.

Finally, DEP should consider using flood prevention monies to pay for the stream cleaning that they oversee and control. Local governments shouldn't be required to go through the permit process and then foot the entire cleanup bill when attempting to alleviate flooding hazards in their communities.

Thank you for the opportunity to testify today. I will be happy to answer any questions that you may have.