

Dear Luzerne County Council,

January 2020

We, the people of Luzerne County, support the MS4 Resolution to END THE RAIN TAX. We are urging every member of county council to vote to pass this imperative resolution now, tonight, as the urgency is great. The grounds for the injunction in federal court, siting violation of the Unfunded Mandate Reform Act of 1995, is hereby requested by your community. We site the following reasons:

1. EPA's claim to legitimacy to institute these fees are based in a federal rule this is currently suspended by the Trump administration, when it ordered the EPA to rewrite the waters of the Waters of the United States rule. As of today, there is no current legal requirement for this.

2. It is strictly a federal issue as it involves several states and must be under the direction of one body to control the several states- Maryland, Delaware, Pennsylvania, New Jersey, New York and DC.

2A. The **federal money being given to Maryland to clean up the Chesapeake Bay is federal tax dollars paid by all residents of the United States**, but somehow the money is given directly to Maryland/ Chesapeake Bay Foundation or C. B. Program, *a private entity*. This is a discriminatory action. **Note, they are being funded to the tune of 87 million dollars!**

2B. Some states are actively polluting the waterways right now- Binghamton, New York discharged 35 MILLION gallons of UNTREATED **waste** into the Susquehanna River, January 2018.

3. In Luzerne County, Pennsylvania not everyone, or every municipal government is under any legal requirement to be forced to participate in this so-called compliance effort. Not all municipalities fall under the NPDES / MS4 permit (the vehicle for this TAXATION/ fee), ie. Lake Twp, Ross Twp, etc. These fees are not fair nor reasonable to residents of Luzerne County, the state of Pennsylvania nor the upper east coast.

4. The simple and legal fact that any U.S. citizen can use the Susquehanna River and the Chesapeake Bay, at any time for any legal reason, and no state could stop them, but only some residents of some states are burdened with the cost and regulatory requirements involved in the supposed clean up requirements. This is also a discriminatory action.

This federal unfunded mandate is a major economic burden which cannot be levied on your residents because it is causing financial hardships and will decrease the value of our properties. We pay this unfunded mandate repeatedly on our homes and businesses, and all properties in the county. Through dues or donations, churches, fire departments, and through DOUBLE TAXATION on county buildings, school buildings, etc. Every dime through every entity mentioned above is 100% our residents hard earned money.

No results or measurable pollution impact through this expensive effort! Under current MS4 permit there is a lack of knowledge of any effectiveness of the measures presented and implemented, nor accuracy of the measure of these pollutants and programs. A halt to this program is in order and needs to be reevaluated.

The Luzerne County residents are UNWILLING to support this UNFAIR RAIN TAX. **There will NOT be any distress on the county financially to move forward with this effort, don't let anyone tell you any differently. File the injunction and relieve the people.**

Not moving forward will cause great financial stress on the county in the future as well as every person in this county. Can we afford not to move forward with this resolution? You, the council, have the power to relieve your residents of the unnecessary burden. You need to look at the budget for ALL businesses and residents, not just the county budget.

Again, we urge, please **END THE RAIN TAX.**