

Senate of Pennsylvania

2783

June 11, 2010

Independent Regulatory Review Commission
333 Market Street
Harrisburg, Pa. 17120

Re: Docket #2783 [EQB 7-440: Erosion and Sedimentation Control]

The undersigned members of the Pennsylvania Senate encourage the Independent Regulatory Review Commission to approve the Environmental Quality Board's proposed revisions to the Chapter 102 regulations, including the section that would mandate 150-foot buffers for new development along Exceptional Value and High Quality streams.

New Chapter 102 regulations are required per rules that became effective in 2002 under the federal Clean Water Act pertaining to construction activities disturbing between one and five acres.

New Chapter 102 regulations also provide a framework for the Department of Environmental Protection to regulate "post-construction" stormwater as required per recent Pennsylvania Environmental Hearing Board decisions, including Valley Creek Coalition v. DEP, Blue Mountain Preservation Association v. DEP, and Crum Creek Neighbors v. DEP.

New Chapter 102 regulations mandate 150-foot buffers for new development along Exceptional Value and High Quality streams in recognition of the fact that managing rainwater and stormwater is becoming more and more important for our state. Floods are getting stronger because storms are becoming more intense, while our increased impervious cover does nothing to slow or absorb any of that flow. When it comes to managing stormwater, the speed at which it is moving is as important as the sheer volume. Nature provides us with a ready solution for both: forested buffers.

Requiring buffers on streams is not a new concept. More than 192 municipalities in a dozen counties already have ordinances in place that require buffers on their streams and rivers. One third of these communities already require buffers of at least 100 feet for new developments, and some require as much as 300 foot buffers for Exceptional Value and High Quality streams.

Our state has learned the value of forested buffers too late. Our neighbors in New Jersey and Maryland have more aggressive rules, even, than the new Chapter 102 regulations. The most developed parts of our state have started to pass rules about buffers alongside streams because they have realized the expense we incur when we tear out natural systems for rainwater management. Unfortunately, the place every community most needs buffers is not in their own boundaries, but in the next community upstream. The Commonwealth needs them most in the places that aren't developed yet.

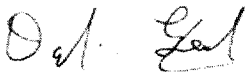
With the new Chapter 102 regulations, Pennsylvania will have a statewide rule under which *all* communities will benefit from cleaner drinking water, more vibrant aquatic communities and safer recreation areas. With the EQB's important action on May 17th, Pennsylvania will finally have significant buffer protection along its most pristine and most important streams which are so attractive for anglers and other sportsmen and sportswomen.

We respectfully urge you to approve the new Chapter 102 regulations on June 17. The least expensive way to ensure safe, clean drinking water in our taps is to protect water quality in the headwaters of the streams that provide it to us. Protecting our Exceptional Value and High Quality streams will help accomplish that in a cost-effective manner.

Sincerely,



Andy Dinniman
State Senator – 19th District




Daylin Leach
State Senator – 17th District



Jim Ferlo
State Senator – 38th District



Lisa Boscola
State Senator – 18th District



Larry Farnese
State Senator – 1st District



Christine Tartaglione
State Senator – 2nd District