



**DELAWARE COUNTY CONSERVATION DISTRICT
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Edward M. Magargee
District Manager

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September 29, 2009

Environmental Quality Board
P.O. Box 8477
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To Whom It May Concern:

Attached are comments that I prepared regarding proposed revisions to Chapter 102
Erosion and Sediment Control and Stormwater Management.

Sincerely,

Edward M. Magargee

Edward M. Magargee,
Conservation District Manager

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Chapter 102 Proposed Revisions
Comments- Ed Magargee

9/24/2009

102.1 Definitions: Non-discharge alternative, the term and the definition promote confusion. It does not eliminate a discharge according to the definition. It seems to better reflect exactly what C.G.1. Attempts to accomplish. A better term might be No-Impact Discharge Alternative.

Permanent Pool – I do not believe it is essential that a permanent pool be inundated at all times to qualify as a permanent pool. If you have a drought, or an excellent infiltration basin it would still qualify. We wouldn't want the permittee to add water.

102.4 Erosion and Sediment Control Requirements

I would like to add a requirement that an erosion and sediment control plan should develop and submit a Cut and Fill plan. Frequently earthmoving contractors need to make significant revisions to approved erosion and sediment controls, because cut and fill is not considered. This is a vital piece of information that should be prepared for the plan designer to develop an erosion and sediment control plan. A color version would be the ideal.

102.4 (i) – Temporary channels should require a minimum c.f.s. per acre. (2.25) to avoid downsizing swales. The sizing of temporary conveyance swales per any of a variety of calculation procedures often results in a swale incapable of handling storm water run-off during construction. If the State insists on allowing the design engineer to calculate the capacity then it should be clear that the worse case scenario of the drainage area should be used for the land cover.

102.4 (8)(d) – Demolition should be added as an earth disturbance activity. This has been a consistent problem where earth disturbance occurs prior to permit issuance on redevelopment projects.

102.4 Special Sediment Basin Requirements - Note more than just Sediment Basin requirements are under this section. It seems to be out of place, and I really am not sure why this requirement should not be implemented for impaired streams as well.

102.5 (a)(1) Permit Requirements: Eliminate the loophole requiring a point source for projects between 1 and 5 acres. I would much prefer an exemption for single-family lot with maximum disturbance of 2 acres.

102.6 (a)(2) Permit Applications and Fees: I appreciate the increase in NPDES Permit fees. This will be beneficial in addressing the cost of maintaining this program at the Conservation District level. I would like to see an accounting of the way this fee was calculated. Quite possibility there may be some overlap between this fee and the Erosion Control Fee for Service we currently implement.

I believe it should be recognized that the Conservation District would need to maintain a reserve account to service these permits for five years. If this fee is to cover transfers of permit, Notice of Terminations, etc.

Will the State Conservation Commission be revising its fee charging policy as a result of this increase in NPDES Permit Fees?

102.8 - PCSM Requirements

1.) 102.8 (a)(3) Prevent an increase in the rate of storm water runoff volume for the 2 year storm. The volume control for larger storms is minimal.

2.) 102.8 (a)(8) What PCSM BMP measures do we have that prevents the generation of increased pollutants?

3.) 102.8 (a)(Needed) Please add drainage areas to structural PCSM BMP's.

Why duplicate information required as part of E & S Plan?

4.) 102.8 (L) What format will the "Record Drawings" be required to be submitted? Can they be in an electronic format with lat. and Long. coordinates required?

a. definitions should be added for the term Record Drawings. Also the term redline drawings needs to be defined.

102.11 (a)(2) - Mimic preconstruction runoff conditions. Since this requirement also covers brown fields, ag fields, redevelopments, etc. maybe this should reference mimic natural undisturbed conditions.

102.14 (a)(3) – Discharges into a buffer concentrated flow would require a level spreader to discharge to a 150 ft. buffer would only be possible under ideal conditions. (Draft E & S Manual-Page 188)

Does this section also state that E & S and PCSWM B.M.P.'s should not be located within a buffer?

102.14 (5)(v) – Would municipal DCNR type trails be permitted within a buffer?

102.15 - Permit by Rule

1.) **102.15 (c) (i11) - Does** this include disturbance necessary to create buffer?

2.) **102.15 (3) - Is the** past clean-up to residential or industrial standards?

102.15 (3) - Phasing is the term phase referring to a block of

area, or can for example it be, Phase One install infiltration Basin and Roadways. Phase 2-No more than 6 lots shall be disturbed at any one time.

102.32 – Compliance and Enforcement

- 1.) **102.32 (b)** I believe the same clause is needed for Construction Activities as well. All Erosion and Sediment Control B.M.P.'s have a design storm event that can and will be exceeded leading to sediment pollution.
- 2.) **102.32 (Needed)** I believe this section should also provide the authority for the Conservation District or DEP to suspend the permit (Issue a Stop Work Order) for significant non-compliance.

