

Chambers, Laura M.

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From: Timothy M. Stahl [tstahl@mctish.com]
Sent: Friday, October 30, 2009 9:51 AM
To: EP, RegComments
Subject: FW: Proposed changes to DEP regs- NPDES Permit

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INDEPENDENT REGULATORY
REVIEW COMMISSION

The proposed regulations can be found at :<http://www.pabulletin.com/secure/data/vol39/39-35/1610.html>

The public comment period ends 11/30/09. You may want to send DEP your comments.

Some of the items that I found interesting were:

1. The application fee for a General NPDES permit will go from \$250 to **\$2,500**. Too high - this user assessed fee does not fairly benefit the amount of time, nor resources actually spent on the review process for each job. (Understandably a lot of "administrative" costs need to be borne by such fees also, but perhaps the administrative costs ARE TOO HIGH?) Only a large project might incur such a cost due to a larger time requirement. If an Engineer does his due diligence and submits a plan and permit application that have been thoroughly designed and reviewed internally, it may only be a matter of minutes for a DEP reviewer to approve his responsible design and approve the permit application. Averaging all projects and creating an "average" fee unfairly assesses applicants of lesser projects. Wouldn't a private individual who wishes to subdivide his own property, who does not have access to "fancy" cad drafting technology or design professionals have the same rights to plan approval and permit approval at a reasonable, bearable cost? (If he can't afford engineering, how can he afford these types of fees?) **Such fees will ENSURE that only Wal-Mart types of subdivisions are left – is that what you want?**
2. The application fee for an individual NPDES permit will go from \$500 to **\$5,000** See comments about high costs above.
3. If your project is within a high quality or exceptional value watershed, then all waters of the commonwealth (streams, ponds, and possibly ditches) will be required to provide a **150 ft buffer** from the top of bank. As usual, blanket regulations DO NOT WORK and cannot be written as such. DEP should have learned by now that "one size fits all" regulations are impractical. Example: If I need to widen a roadway that directly borders a stream with surrounding EV Wetlands – having perhaps not even 20 feet of existing buffer, and I need to push the bank out a few feet, to perhaps GREATLY improve the roadway and reduce fatal crashes, or improve commute times, tell me why the EV wetland is more important than the needs of humanity?
4. The permits are still only good for 5 years, but when renewed the remaining portion that is undisturbed will be required to **comply with the most current BMP regulations**. No argument, however..... While some projects shouldn't be "grandfathered" indefinitely, I fear acceptance of this rule may be used incorrectly to kill a project that should be otherwise approvable, just to persecute a developer.
5. Sites will require temporary stabilization when construction **ceases for more than 3 days**. No argument. I'll concede some temporary matting or grass seed while the guys enjoy their labor day weekend.

11/6/2009