



FRANKLIN CO. CONSERVATION DISTRICT

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NOVEMBER 12, 2009

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Environmental Quality Board
PO Box 8477
Harrisburg PA 17105-8477

NOV 17 2009

ENVIRONMENTAL QUALITY BOARD

RE: Public Comments for Proposed Chapter 102 Regulations

To Whom It May Concern:

The following comments are suggested by the Franklin County Conservation District in regards to the proposed changes to the Commonwealth's Chapter 102 regulations. The Franklin County Conservation District appreciates the opportunity to comment and the efforts put forth by the Department of Environmental Protection during the revision process.

Respectfully Submitted for your review

Mary Ann Shaffer
Franklin County Conservation District
Erosion and Sediment Control Specialist

Cc: County Conservation District Managers

INDEPENDENT REGULATORY
REVIEW COMMISSION

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Franklin County Conservation District's Comments on Chapter 102 Regulations

The ABACT definition is greatly appreciated and having the specifics in the new E&S manual will be a great benefit.

Chapter 102.3 (a) (4) – “Cost effective” should be removed

Chapter 102.4 (a) (4) (ii) - % of coverage should be higher than 25% cover

Recommendation – Should just leave AG “E&S Plan” just as the conservation plan. This will elevate confusion with the farmer, renter, etc. The true conservation plan has maps, soils, schedule of implementation. However – this is something that would need to be enforced in the Agricultural community.

What training will be provided for plan preparer’s and District staff for developing and reviewing conservation plans?

Who will be responsible for inspection of agricultural sites?

Will DEP still be responsible for the enforcement of AG activities or will that fall under another agency?

Has there been coordination with other governmental agencies to discuss the AG issues – such as development, inspection, etc

Chapter 102.4 (b) (4) - Need to remove “after consultation with the Dept”, there are many changes that occur in the field, because the plan does not show the existing field conditions. If need to leave in, then put some type of clarification, moving construction entrance, silt soc, silt fence, stock piles, would be ok for the District to make, but any structural BMP, then that may need consultation with the Dept.

Chapter 102.6 (b) – Permit fees - Need to include some type of reference to permit renewals.

Also, will District be able to charge fees for review of the Ag E&S plans and others to offset the cost of the program?

Chapter 102.6 (b) (2) – Fee increase seems to be very substantial. We would recommend a tier approach for the smaller developments in order to be cost effective. The tier approach could be based on the proximity to waters of the commonwealth, percent slope, amount of disturbance, etc.

Chapter 102.8 – PCSM plan – Suggest having some type of ABACT BMPs for sites discharging into EV/HQ watersheds like the ABACT for E&S.

Chapter 102.8 (f) (10) – Long term maintenance should be incorporated in a document that gets recorded with the plan, so when a potential buyer does a title search it will show up as a responsibility to maintain.

Chapter 102.8 (l) – Please clarify what is meant by “redline drawings”. Where are these plans to be stored?

Chapter 102.8 (m) – Please clarify what is meant by “covenant”

Chapter 102.14 (a) (3) – Please clarify what is meant by discharges to a riparian forest. Most riparian areas have slopes and do not have undergrowth that will support any type of discharge.

Chapter 102.15 (c) (3) – Being able to open up 15 acres at once has a very high potential for pollution.

DEP compliance staff may need to increase in number due to the PBR not having the E&S reviewed by a technical person.

SUGGESTION: Permit by Rule should be a permit that could be used for 5,000 sq. ft to 5 acres of disturbance. The fee for this could be more reasonable for this type of development.

Chapter 102.22 (b) - Temporary stabilization – 3 days is not an acceptable reality. This could be a Holiday weekend. A 7 to 10 day cessation would be a better time frame for temporary stabilization.

Chapter 102.41; 102.42; 102.43 – Responsibility of Local Government –

Recommendation – Develop regulation guideline to tie the local governing bodies into post construction stormwater, by requiring them to develop guidelines consistent with the state’s requirements.

