



Darby Creek Valley Association

November 20, 2009.

Environmental Quality Board
P. O. Box 8477
Harrisburg, PA 17105
regcomments@state.pa.us

RE: PROPOSED RULEMAKING on 25 PA. CODE CH. 102: Erosion and Sediment Control and Stormwater Management

To whom it may concern:

Darby Creek Valley Association was formed in 1984 to protect the 73 miles of the Darby Creek and surrounds. Pennsylvania has over 83,000 miles of streams. This is an important resource and we need to protect it! This is why we need a mandatory stream buffers program, not a voluntary one. It is also why DEP should not eliminate technical review of stormwater plans. Without review by the state and without opportunities for public comment, stormwater management will get worse, not better. Pennsylvania's streams cannot afford more pollution and runoff, and we cannot afford increased flooding and drinking water treatment costs.

The members and friends of the Darby Creek Valley Association want waterways protected and would henceforth support requiring NPDES permits for stormwater discharges associated with construction for earth disturbance activities associated with oil and gas development. Such earth disturbance activities can result in sediment and stormwater pollution during both the construction and post-construction phases, just as with other forms of development. There is no good reason to treat oil and gas developers differently from commercial and residential developers with respect to erosion and sediment control and stormwater permitting.

By my understanding, extracting natural gas from Marcellus Shale can have devastating impact on water quality in Pennsylvania. Water is pretty darn essential for human life and animal life, and it would seem the role of the Environmental Quality Board to protect water quality and water tables in PA.

We applaud DEP for requiring forested buffers on EV streams, but we need to require forested buffers of **at least 100 feet on both sides of every stream in our state**, with 150 feet on small headwater streams and 300 feet on Exceptional Value and High Quality streams. Forested Buffers are good for the environment and the economy. Buffers will reduce pollution of our

streams, limit erosion of stream banks, improve habitat for fish, and keep streams cooler. They will also increase property values for nearby properties, and cut stormwater management costs and drinking water treatment costs. And they will reduce damage from flooding, which costs at least \$6 billion a year. Many municipalities in Pennsylvania already require at least 100 foot buffers, demonstrating that environmental improvements can be achieved without economic burdens.

DEP should also continue to review stormwater plans to insure that they meet the standards of the Clean Water Act and do not degrade the quality of the streams of the Commonwealth. An expedited permit review process, like the new "permit-by-rule" (PBR) program, puts rivers and streams at risk, is poor policy, and violates core requirements of the Clean Water Act. Of particular concern is the fact that the PBR would apply in High Quality and Impaired watersheds. These watersheds require special protections to ensure that water quality is protected and maintained. Those special protections cannot be ensured through an expedited permit review process.

Please make minimum 100 foot forested stream buffers a mandatory requirement on all streams in Pennsylvania!

Sincerely,

Jan Marie Rushforth
President, Darby Creek Valley Association – www.DCVA.org
rushforth@comcast.net
PO Box 926, Bryn Mawr PA 19010

cc to PA Campaign for Clean
Anne Misak
Program Organizer
Clean Water Action
www.cleanwateraction.org/pa
amisak@cleanwater.org
1315 Walnut St., Suite 1650
Philadelphia, PA 19107

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Chambers, Laura M.

RECEIVED

From: Jan Marie or Alan Rushforth [rushforth@comcast.net] 2009 NOV 25 PM 1: 25
Sent: Friday, November 20, 2009 12:30 AM
To: EP, RegComments INDEPENDENT REGULATORY
Cc: amisak@cleanwater.org; 'Robin Mann'; 'Carl DuPoldt'; Jan Marie Rushforth REVIEW COMMISSION
Subject: PA DEP Letter 102 Buffers preservation 11-20-09 DCVA



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