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**Chambers, Laura M.**

**From:** STEPHEN WOOD [thewoodsSK@comcast.net]  
**Sent:** Friday, November 20, 2009 10:17 PM  
**To:** EP, RegComments  
**Cc:** Thomas Killion; Bryan Lentz; Mike Eagle; amisak@cleanwater.org  
**Subject:** 25 PA. CODE CH. 102: Erosion and Sediment Control and Stormwater Management

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

Environmental Quality Board  
P. O. Box 8477  
Harrisburg, PA 17105

**Topic:** 25 PA. CODE CH. 102: Erosion and Sediment Control and Stormwater Management

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.

We fully support requirement for earth disturbance activities associated with oil and gas development to obtain NPDES permits for stormwater discharges associated with construction. 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 different from commercial and residential developers with respect to erosion and sediment control and stormwater permitting.

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!

11/23/2009

Sincerely,

Stephen L. Wood  
President,  
Middletown Township Land Conservancy  
P.O. Box 4103  
Elwyn, PA 19063  
610-566-4284