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Chambers, Laura M.**RECEIVED****From:** CRC Watersheds [crc@nni.com]**Sent:** Tuesday, November 24, 2009 3:38 PM**To:** EP, RegComments**Cc:** Gary Snyder-work; Carl duPoldt**Subject:** Comments on Proposed Chapter 102 Regulations from CRC Watersheds**NOV 30 REC'D**INDEPENDENT REGULATORY
REVIEW COMMISSIONEnvironmental Quality Board
P. O. Box 8477
Harrisburg, PA 17105

Re: Comments on Proposed Chapter 102 Regulations

Chester-Ridley-Crum Watersheds Association (CRC)'s mission is to not only protect, conserve, and restore our local watersheds, but to play our part in safeguarding all of Pennsylvania's critical water resources.

1. We oppose the proposed "permit-by-rule" option in the new Chapter 102 regulations. It violates the Clean Water Act because it does not require a meaningful review of NPDES permit effluent limits by Conservation Districts or DEP. It puts rivers and streams in jeopardy by allowing an accelerated permit review process. The application of the PBR would violate Pennsylvania's Chapter 93 anti-degradation regulations for High Quality watersheds since it would not require those Individual permit requirements. **We feel that the Delaware and Chester County Conservation Districts are doing an excellent job in reviewing permits on a timely basis in partnership with DEP, and that this responsibility of an impartial, third party review should not be delegated to consulting engineers representing the permittees. Our local Conservation Districts are in agreement with us on this.**

These haste decisions could result in economic and environmental damage that could linger after the construction is complete. In addition to not providing opportunities for public participation, the proposed PBR does not require a thorough agency evaluation of NPDES permit effluent limits by the permitting authority, which is a direct violation of the Clean Water Act.

2. Minimum 100-foot forested riparian buffers should be required for all new construction and, to the maximum extent feasible, on all redevelopment earth disturbance projects triggering an NPDES review.

3. Earth disturbance activities associated with oil and gas activities should be required to obtain NPDES stormwater permits.

4. Gas and oil and all permittees should bear the legal and financial responsibility of maintaining post construction stormwater management facilities by posting bonds and signing agreements, to ensure that the legacy they are leaving behind is one of prosperity, and not environmental degradation.

Sincerely,
Anne Murphy
Executive Director

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