

Chambers, Laura M. 2783

From: CleanPaH2O [cleanpah2o@gmail.com]
Sent: Tuesday, November 24, 2009 1:26 PM
To: EP, RegComments
Subject: PROPOSED CHANGES TO 25 PA CODE CHAPTER 102, RELATING TO EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT



Chap102Comments
.pdf (33 KB)

RE: PROPOSED CHANGES TO 25 PA CODE CHAPTER 102, RELATING TO EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT

Attached please find a one page summary of our comments. Thank you in advance for providing a copy of our comments to each member of the Board. Thank you for the opportunity to submit our comments electronically.

Elaine Futej - Secretary
Citizens for Clean Pennsylvania Water
Contact me: cleanpah2o@gmail.com

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**INDEPENDENT REGULATORY
REVIEW COMMISSION**

2783

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Citizens for Clean
Pennsylvania Water
cleanpah2o@gmail.com

November 23, 2009

Re: Chapter 102 Buffers Requirement
INDEPENDENT REGULATORY
REVIEW COMMISSION

NOV 30 REC'D

PA DEP claims the proposed permit-by-rule balances environmental protection with predictability in permitting for an applicant.

Who defines a "low impact, low risk project?"

Permit-by-rule is an optional permit exemption that works only in certain situations, for example, waste transfer stations not new landfills.

Permit-by-rule puts our rivers and streams at risk and violates the Clean Water Act.

Why is our cash-strapped "environmental protector" so intent on inviting lawsuits?

Mandating the inclusion of a riparian forest buffer as a condition is nothing but a cheap trick to sell the permit-by-rule option to the citizens of Pennsylvania.

We believe riparian forest buffers should be mandatory for all earth disturbances requiring a NPDES permit.

All streams deserve at least a 100-ft forest buffer on both sides.

Small headwater streams merit special attention in the review process. In certain cases a 100-ft buffer on both sides may not be wide enough.

Those streams designated by law as "high quality" or having "exceptional value" deserve at least a 300-ft buffer on both sides.

Developers have fought the effort to establish a statewide requirement for 100-foot riparian forest buffers in new developments.

They claim the "Buffers 100" proposal does not balance environmental protection with economic growth.

"One size doesn't fit all," cry the developers.

That is precisely why the PA DEP proposal to introduce a "permit-by-rule" option is wrong.

One size doesn't fit all.

Each watershed is unique. All Pennsylvania watersheds deserve more protection, not less.

Clean water is rapidly becoming the defining crisis in Pennsylvania and none of us can take it for granted.

Thorough technical reviews of all stormwater management, erosion and sedimentation plans must be conducted by DEP and County Conservation District staff to ensure our rivers and streams are protected.

We support an increase in application fees to help cover the cost of a "thorough review."

We fully support the regulations regarding oil and gas development and ask for more.

The permit-by-rule option is another attempt by our state government to remove the public from the process.

Incidentally, several states provide at least one public notice and public meeting before even issuing a permit-by-rule.

**Thank you for the opportunity to submit our comments electronically,
Elaine Futej, Secretary for CleanPaH2O**