

2783

**Chambers, Laura M.**

---

**From:** Larry Bowman [lbowman@lvchamber.org]

**Sent:** Tuesday, November 24, 2009 12:02 PM

**To:** EP, RegComments

**Subject:** Proposed Rulemaking: Erosion and Sedimentation Control and Stormwater Management

Dear Environmental Quality Board,

Please find attached a copy of the position statement adopted by our organization's Board of Directors concerning the proposed Department of Environmental Protection Rulemaking: Erosion and Sedimentation Control and Post-Construction Stormwater Management. Please have our position statement entered into the official comment record regarding this proposed DEP rule.

Regards,

Larry A. Bowman, CCE  
President & CEO  
Lebanon Valley Chamber of Commerce  
728 Walnut Street  
P.O. Box 899  
Lebanon, PA 17042-0899  
(717) 273-3727  
www.lvchamber.org

**RECEIVED**

**NOV 30 REC'D**

**INDEPENDENT REGULATORY  
REVIEW COMMISSION**

2783



RECEIVED

NOV 30 RECD

INDEPENDENT REGULATORY  
REVIEW COMMISSION

### Position Statement

#### **Proposed Pennsylvania Department of Environmental Protection Rulemaking: Erosion and Sedimentation Control and Post-Construction Stormwater Management**

Statement of Opposition: The Lebanon Valley Chamber of Commerce has reviewed the subject proposed rulemaking and has determined that it contains provisions that negatively impact landowners, builder-developers and agribusiness throughout the Lebanon Valley. Therefore, the Chamber respectfully requests the Department of Environmental Protection to reconsider and revise its position on the following aspects of the proposed regulation prior to final promulgation.

Excessive and Duplicative Permit Fees: The regulation seeks to raise fees for permit reviews under Chapter 102 to a flat \$2,500 per general permit application. This is an excessive and unreasonable ten-fold increase from the present fee of \$250. Fees for individual permits and NPDES applications would similarly rise from \$500 to \$5,000. These fees would be paid to the Department on top of fees charged by County Conservation Districts that, in nearly all cases, are the exclusive reviewers of plans and permit applications according to formal delegations of that authority from the Department. If an increase can be justified, it should be either phased in over a period of time; limited to permit applications that are not subject to the review, approval and supervision of conservation districts; or offset dollar-for-dollar by fees charged by the Districts.

Mandatory Riparian Forest Buffers: Riparian forest buffers play useful roles in protecting water quality, but mandating their establishment and preservation is unnecessary and an excessive exertion of government control. Requiring a 150-foot permanent forest buffer in exceptional value watersheds imposes significant economic hardship on all types of landowners and builder-developers. Such a regulatory taking deprives landowners of both use and value of their lands and also imposes ongoing costs to manage those buffers in perpetuity. The Department should withdraw this mandate from its rulemaking and instead rely on the promotion and use of available voluntary best management practices for the establishment, management and preservation of riparian forest buffers in all watershed classes.

Animal Heavy Use Areas: The rulemaking's definition of Animal Heavy Use Areas should be modified to make clear that the regulation applies only to areas where animals are kept in concentration or kept in concentration for extended periods of time and where those areas are within close proximity to a stream, river, lake or other navigable body of water. The regulation should not apply to entrances and pathways used by animals to access a keeping area unless there is potential to discharge sediment and/or nutrients to waterways of the Commonwealth.