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Environmental Quality Board
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17101-2301

INDEPENDENT REGULATORY
REVIEW COMMISSION

ENVIRONMENTAL QUALITY BOARD

RE: Proposed 25 Pa. Code Chapter 102 Rulemaking Comments

Dear Members of the Board,

I would like to make the following comments in regard to the proposed rulemaking:

The proposal to raise fees for NPDES permits by 1,000% is excessive. It is our understanding that these new fees would underwrite conservation district expenses, even though the districts have the power to set their own fee schedule in addition to the proposed fee schedule. I recommend a tiered fee schedule that ranges up to \$2,500/\$5,000 for the NPDES permits based upon project size, versus a flat rate for all projects. A three acre site should not be charged the same as thirty acre site.

Regarding incomplete applications and NOIs,, the limitation of 60 days to complete or revise the application is too rigid. Applications have increased in complexity and may take more than 60 days to address deficiencies. I suggest increasing the time to make revisions to 120 days.

In order for the post construction stormwater management BMPs to work as designed someone must take responsibility for their long-term operation and maintenance. Some entities are better suited for those purposes than others, and depending upon the locale, some entities are more resistant to accepting that responsibility than others. Therefore, it is important that the process include as much flexibility to allow the landowner to assign that responsibility. In some cases it may be a Home Owner Association; where a HOA doesn't exist, it may be the municipality; when the municipality resists the responsibility, it might be the individual homeowner. Each site and each situation is different and should be treated as such.

A 1,000% increase in fees is unreasonable, particularly in light of the fact that conservation districts have in the past, and will continue, to add additional review fees to compensate for District financial shortfalls. The Department should consider a graduated fee scale up to \$2,500/\$5,000 based upon project size. Additionally, the Department should establish a more strict process than currently exists for the approval of conservation district fee schedules for E&S reviews. Often, District fee schedules do not appropriately reflect the proportional cost to provide the application review and inspection services.

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I oppose the rigid requirement of a uniform 150 foot riparian buffer. Greater flexibility should be offered to the applicant to account for site conditions and/or inclusion of stormwater treatment trains which reduce sediment pollution before being received by the stream.

Your consideration of my concerns is greatly appreciated.

Sincerely

A handwritten signature in cursive script, appearing to read "Gregory J. Reppa".

Gregory J. Reppa

2 Settlers Drive

Doylestown, PA 18901