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From: Stephanie Simmons [snsimmons@gmail.com]
Sent: Sunday, November 29, 2009 8:38 PM
To: EP, RegComments
Cc: Claudia Kirkpatrick; Grover Barbara; J. Wray Peter
Subject: RE: PROPOSED RULEMAKING on 25 PA. CODE CH. 102: Erosion and Sediment Control and Stormwater Management

INDEPENDENT REGULATORY
REVIEW COMMISSION**Sierra Club****Allegheny Group, Executive Committee**

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Environmental Quality Board

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regcomments@state.pa.us**RE: PROPOSED RULEMAKING on 25 PA. CODE CH. 102: Erosion and Sediment Control and Stormwater Management**

Dear Members of the Environmental Quality Board,

On behalf of the Executive Committee of the Allegheny Group Sierra Club, I would like to address some concerns we have regarding changes in Chapter 102. We appreciate the task before you, and applaud your efforts to effectively review and implement programs to protect Pennsylvania's most sacred resources, especially its water. Pennsylvania has over 83,000 miles of streams, and it is difficult to manage and protect such a vast resource; but for the sake of the beauty of our state, our industry, and our future generations, we must.

We have a collective responsibility to mandate protection, not merely suggest guidelines. It is our position that strong mandates be put in place to protect our waterways. We need a mandatory stream buffers program, not a voluntary one. We also feel strongly that the DEP should not eliminate technical review of stormwater plans. Without review by the state as well as opportunities for public comment, stormwater management will get worse, not better. We have seen recent evidence that strong, more

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vociferous management guidelines are necessary.

Pennsylvania's streams cannot afford more pollution and runoff, and we cannot afford increased flooding and drinking water treatment costs. Risk must be managed by distribution across all interested parties, not simply dumped on the backs of municipalities, landowners, and state shareholders-residents, our animal and vegetative species, and our economic future.

We applaud DEP for requiring forested buffers on exceptional value streams, but we need to require forested buffers of at least 100 feet on both sides of every stream in our state. We also need 150 foot buffers on small headwater streams and 300 foot buffers on Exceptional Value and High Quality streams, as I personally mentioned at the hearing in Cranberry Twp. Forested Buffers are good for the environment and the economy. These buffers will reduce pollution of our streams, limit erosion of stream banks, improve habitat for species and keep streams cooler. They will also increase property values, cut stormwater management costs, and drinking water treatment costs.

Complimentary industries can and should work together to participate in stewardship and management of these areas. Protection will not hurt industry, on the contrary, it will get them ahead of the proverbial curve with respect to upcoming legislation that could include cap and trade, and even create new ways of management (forestry specifically) that could create progressive forms of additional revenue streams. This kind of management and mandatory stream protection will reduce damage from flooding, which costs taxpayers at least \$6 billion a year.

Many municipalities in Pennsylvania already require at least a 100 foot buffer, demonstrating that environmental improvements can be achieved without economic burdens.

The DEP should also continue to actively 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 being proposed, puts rivers and streams at risk, is poor policy, and violates core requirements of the Clean Water Act. One 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 ensure the safety and quality of our streams and drinking water in Pennsylvania by creating a 100 foot forested buffer for streams and eliminating the proposed PBR program.

Sincerely,

Stephanie N. Simmons, Water Chair

Allegheny Group, Sierra Club Executive Committee