

DEC 17 REC'D

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INDEPENDENT REGULATORY
REVIEW COMMISSION**Chambers, Laura M.**

From: Bullard, William CIV NAVFAC MIDLANT, EV14 [william.bullard1@navy.mil]
Sent: Monday, November 30, 2009 5:39 PM
To: EP, RegComments
Subject: Revisions to the 25 PA Code Chap 102 (E&SC and Stormwater Management)
Signed By: william.bullard1@navy.mil

The Department of Defense appreciates the opportunity, as part of the regulated community, to comment on the proposed amendments to the subject regulation. We only have a few questions/comments.

102.4(b)5.xiii.

This item requires that the E&S Plan "evaluate the potential for thermal impacts to surface waters from earth disturbing activity and include BMPs to avoid, minimize, or mitigate potential pollution from thermal impacts." We suggest that the erosion and sediment control measures required by the regulations are sufficient to insure that there would be no thermal pollution from activities covered by the E&S Plan. Consequently, the regulations could recognize this assumption.

102.8(f)(14).

This item requires that the PCSM Plan "evaluate the potential for thermal impacts to surface waters from post construction stormwater and include BMPs to avoid, minimize, or mitigate potential pollution from thermal impacts." New impervious surface areas could warm contacting stormwater. However, we suggest that this would not normally be a problem if the regulations are followed and suggest the regulations, or subsequent guidance, discuss situations where thermal pollution of surface waters might be a consideration.

102.22(a).

This item requires that "upon final completion of an earth disturbance activity or any stage or phase of an activity, the site shall immediately have topsoil restored, replaced, or amended, seeded, mulched or otherwise permanently stabilized and protected from accelerated erosion and sedimentation." We believe that "immediately" is too unrealistic, and suggest an appropriate time frame like - prior to a rain event and in no case later than the end of the same working day.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me.

Will
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