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**Greene County Conservation District**

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**COUNTY OF GREENE COMMENTS  
PROPOSED RULEMAKING  
ENVIRONMENTAL QUALITY BOARD  
25 PA. CODE CH. 102**

**Erosion and Sediment Control and Stormwater**

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INDEPENDENT REGULATOR  
REVIEW COMMISSION

Under Section 102.4 Erosion and Sedimentation Control Requirements For Agricultural Operations-

Proposed rulemaking revisions for agricultural operations are a good update to the law to reflect the changes in agricultural technologies and management styles. Many standard practices that previously were inferred are now in writing. In general the most recent version of Chapter 102.4 (a), which addresses agricultural operations, has incorporated most of the comments that the Agricultural Advisory Board presented in April 2009. These were good comments that ask for consistency in the regulations.

In our opinion, there will be some agricultural operations in Greene County that will be affected by these changes but not more severely than any other region of Pennsylvania. This will occur on a farm-by-farm basis not a watershed basis in Greene County. Most importantly we hope the law will leave room for in-field assessments and creative ways of dealing with challenging sites.

A few areas that need to be noted:

102.4 (a) (4) : “cost effective and reasonable BMPs” There is really no definition for cost effective and reasonable BMPs, this is something that can be very subjective based on what part of the state you are working in or the experience of the reviewer.

102.4 (a) (4) (i) : While most NRCS conservation plans meet or exceed T, there are approved alternative conservation systems that when run through the RUSLE model **do not** meet T but upon field inspection do not show accelerated erosion. (T is a tool not an absolute)

102.4 (a) (4) (ii) : “ additional BMPs” These should also be defined as “cost effective and reasonable”.

Under 102.8-Post Construction Stormwater Requirements-

Although the PCSM requirements are significant, the inclusion of such requirements do not constitute water quality improvement or protection if the requirements are not reviewed by the local regional office of DEP. Currently, the PCSM plans received by the Conservation Districts in the Southwest Region are not reviewed for a General NPDES permit, they are only required with the application. If the department does not review the Stormwater prior to development activities this will cause extensive work for the local conservation districts, municipalities and counties once a field inspection or complaint occurs to correct the problems that need addressed. This work will take away from the field activities that should be occurring inspecting other sites. Changes during construction will also cost the permittee. Problems with permit applications that are caught upfront during the review process pose less costs to those involved and time from inspection routines that are needed. No where does this provision call for approved PCSM plans. It is better to be proactive than reactive during the planning process.

A PCSM Plan relative to any land development must be reviewed for adequacy BEFORE permit acquisition. The intent of the entirety of environmental regulation is proactive. Enforcement is reactive. Proactivity is both financially cheaper and environmentally less impactful than reactivity. I agree that long term operation & maintenance responsibility of relevant BMPs should be clearly designated and mandated in the permit process. The

mechanics, preferably leaning toward local control, must be put into place to ensure that PCSM Plans are reviewed PRIOR to permit issuance.

Under section 102.14-Riparian Forest Buffer Requirements-

When establishing new forested riparian buffers, what controls are put in place until the buffer is fully established when site disturbance occurs? What minimum requirement regarding buffer establishment is set for newly established buffers prior to earth disturbance activities? Many of our stream valleys hold the best potential for land development based on our topography. This will lead to areas in which development can never occur if it is included on the property deed.

Under Section 102.15-Permit-By-Rule for low impact projects-

Permit-by-Rule will not apply to enough projects to justify the costs of the Departments time in establishing the program. We do not feel that projects in our county will qualify for the use of this application. Many counties in the Southwestern part of the state will not qualify based on the requirements of the program as it is set forth. Our County based on its topography will get little use of this provision and we feel that it is not a beneficial component to the permitting process.

With Regards to permit coordination it is only required of the local municipality or County which is issuing building permits. We believe that the department should require documentation that all local municipal ordinances have been addressed prior to issuance of NPDES permits related to construction activity. Better coordination between the Department and local municipalities are crucial to the development, implementation and monitoring of activities that pose risk to waters of the commonwealth.

With regards to inadequate plans submitted to the local conservation districts and Department. Provisions should be made to address frequent violations of submissions for review. Too much time and energy is wasted reviewing insufficient plans that are submitted in hopes that the "reviewer" will write the plans for engineers and consultants. Fees should be imposed for inadequacy or a standard format should be introduced that allow for timely reviews by districts and the Department.

If the idea that emphasis on Conservation District review and inspection is being promulgated here, then DEP permits should be issued only if proof can be shown by the developer that the development plan meets Conservation District approval. The state cannot pick and choose which type of development will be accorded what permitting process. Right now, the two biggest impacts to our county (mining and natural gas extraction) afford the Conservation District little or no opportunity to comment unless a public complaint occurs.

Thank you for your time and consideration with our comments.

Robbie Matesic  
Executive Director  
Greene County Economic Development  
and Greene County Conservation  
724-852-5278

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**Chambers, Laura M.**

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**From:** Lisa Snider [lsnider@co.greene.pa.us]  
**Sent:** Monday, November 30, 2009 4:34 PM  
**To:** EP, RegComments  
**Subject:** Chapter 102 comments emailed

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