



2783

RECEIVED

DEC - 7 REC'D

INDEPENDENT REGULATORY
REVIEW COMMISSION

To: Environmental Quality Board
From: John Hogan
Date: November 30, 2009
Subject: Proposed 25 Pa. Code Chapter 102 Rulemaking Comments

Thank you for the opportunity to offer the following comments on the proposed 25 PA Code Chapter 102 rulemaking.

As you are aware, businesses and industries within Pennsylvania are suffering through an unprecedented economic downturn in both magnitude and length. These tough times have stressed individuals, businesses and the state/municipal governments. Companies are working very hard to keep their businesses operational and their people employed. I believe these proposed regulations will have the unintended effect of hurting businesses at a time when they are least equipped to deal with this additional burden. Not only will developers and property owners suffer, but also lending institutions, realtors, attorneys, brokers, suppliers, etc.

Many commercial and residential projects approved or in construction have had minimal activity recently. Obviously, if the economy picks up anytime soon, the active status of these projects will allow people to get back to work immediately. Unfortunately, many of these approved projects will need to have their NPDES permits renewed to address these new policy revisions. It will require developers to modify their plans in mid-construction, adding costs and additional infrastructure that they simply cannot absorb. At the same time, the potential reduction in the number of units or total square footage from a project will eliminate a significant amount of asset value of the property.

We have concerns about the proposed buffering requirements. A rigid 150 feet buffer on either side of a stream could significantly diminish the developable area of a property. This seems particularly onerous in areas where redevelopment projects would convert underperforming and blighted properties into valuable assets.

Banks are already struggling with loan performances. These proposed regulations will contribute additional burden and uncertainty to a project's ability to secure and/or maintain financing. If implemented, these changes could potentially push a number of projects into default.

These are certainly challenging times for all of us. While we support DEP's goal of protecting our environment, we certainly hope they will support the need for economic vitality. Permit extension requirements which mandate the implementation of current regulations for projects already fully approved and under construction and rigid riparian buffers certainly make it difficult for businesses to be successful. These new requirements will have a serious ripple effect across every industry and will result in greater and continued stress on the citizens and governments of Pennsylvania. I hope that you would consider alternative methods to achieve a common goal for all.

cc: State Senator: Stewart J. Greenleaf
State Representative: Rick Taylor

2783

RECEIVED

DEC 7 REC'D

INDEPENDENT REGULATORY
REVIEW COMMISSION

Chambers, Laura M.

From: John Hogan [jhogan@navenewell.net]
Sent: Monday, November 30, 2009 5:19 PM
To: EP, RegComments
Cc: sgreenleaf@pasen.gov; reptaylor@pahouse.net
Subject: NPDES Permit changes

Good Afternoon. I am enclosing a letter requesting that DEP re-consider amending regulations regarding the NPDES Permit Process as noted above.

Thank You.

John L. Hogan, PE, Project Manager
Nave Newell, Inc.
357 South Gulph Road Suite 300
King of Prussia, PA. 19406
Phone (610) 265-8323
Fax (610) 265-4299
jhogan@navenewell.net **www.navenewell.net**