

Neil DeRiemer
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West Chester, Pa 19380

2783

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

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DEC - 7 REC'D

From: Neil DeRiemer

INDEPENDENT REGULATORY
REVIEW COMMISSION

Date: November 30, 2009

Subject: Proposed 25 Pa. Code Chapter 102 Rulemaking Comments

The proposed institution of a rigid, 150 foot buffer on each side of Exceptional Value Waters would have the unintended consequence of hindering good land planning. By limiting the layout options available, designers and builders may be forced to search for green field sites well away from the existing utility and transportation infrastructures.

This could be an especially difficult problem for urban/brownfields redevelopment. Most of these communities are located along stream/river corridors. A buffer of this magnitude might render these sites non-viable for development.

The building community is continually identifying new technology to help improve the quality of stormwater runoff. These creative techniques are especially helpful in the urban areas where lawn and landscape areas are, for the most part, non-existent. Rather than eliminate the ability to redevelop these eyesores because of large, rigid buffers, allow developers/builders to use a combination of a variety of BMP's which achieve the common goal of improved water quality. This is truly smart, green development that creates a win-win solution.

The proposed requirement that 20% of existing impervious areas be considered meadow is particularly onerous to brownfields sites. Existing sites can't easily be retrofitted to handle stormwater management facilities, so costs are exponentially higher. As a result, these proposed regulations will not only scare away developers but also make it financially impossible for them to present "smart growth" in urban areas. This issue would be much better handled at a local level where applicants can work with municipal officials to find creative solutions to managing stormwater runoff and protecting the environment while preserving yield.

The dramatic increase in application fees by 1,000% seems unfair and unjustified. This excessiveness comes at a time when projects are under significant financial stress. We are all desperately trying to reduce costs by changing the way we arrive at solutions. This proposed change might actually exceed the cost of the design for small projects. We would like to recommend a tiered fee schedule based on a project's size.

Please consider our suggestions to achieve environmentally beneficial and economically attainable development.

Very truly yours,
Neil DeRiemer

cc: State Senator Dinniman
State Representative Barbara McIlvaine Smith

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Chambers, Laura M.

DEC 7 REC'D

From: Neil DeRiemer [nderiemer@jacksoncross.com]

Sent: Monday, November 30, 2009 9:57 AM

To: EP, RegComments

Subject: Proposed Chapter 102 Regulations"

INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear DEP,

Please see my attached letter regarding Chapter 102 changes and allow BMPs, new technology and flexibility to be implemented in those changes.

Failure to do so will severely limit if not "kill" many redevelopment/development projects and the resultant jobs in Pennsylvania.

Additionally, rigid rules will force businesses to locate their projects outside Pennsylvania.

Thank you for your time and attention to my comments.

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