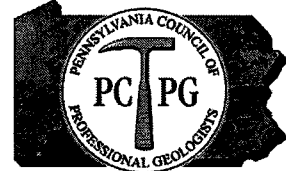


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**Pennsylvania Council of
Professional Geologists**
116 Forest Drive
Camp Hill PA
717-730-9745

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**INDEPENDENT REGULATORY
REVIEW COMMISSION**

November 30, 2009

Environmental Quality Board
P. O. Box 8477
Harrisburg, PA 17105-8477

**RE: Comments on Draft Amendments to 25 Pa. Code Chapter 102
Erosion and Sediment Control & Stormwater Management**

Dear Board Members:

Thank you for the opportunity to provide comments on the draft amendments to 25 Pa. Code Chapter 102 (relating to erosion and sediment control and stormwater management) published in the PA Bulletin on Saturday August 29, 2009. Overall we have found that there is much concern within our membership regarding inclusion of 2-yr storm criteria without regard for the project's physical setting, especially when infiltration to groundwater is a primary project objective.

The Importance of Site Characterization

To that end, the establishment of Site Characterization requirements above and beyond what is currently in the BMP manual is essential.

The department is frustrated by what they view as inadequate permit applications. While we don't disagree that some of these issues may be related to substandard consulting practice, we would like to stress that it is our opinion that the root cause of some of these issues is the lack of clarity and detail contained in the BMP manual regarding soil, geologic, and hydrogeologic assessments.

Appendix C of the current BMP manual provides guidance for conducting "desktop" assessments of soils and geologic conditions, and encourages designers to consider site conditions early in the process. Detailed descriptions are provided for conducting percolation tests and double ring infiltrometer testing. The PCPG believes that Appendix C is thoroughly inadequate. In order to ensure the long term performance of BMP's, particularly those that are designed to handle the bulk of the excess runoff from the two year storm (which for all practical purposes must rely on significant infiltration to account for the lost evapotranspiration component of the water budget), detailed subsurface soil AND geologic investigations are critical to the design process. Professional organizations like Pennsylvania Council of Profession Geologists (PCPG) and Pennsylvania Association of Professional Soils Scientists (PAPSS) have already been working with the

Department on aspects of the BMP manual to raise the bar of the site characterization and overall investigation.

In practice, since the manual is not a regulation, but only "guidance", applicants have a strong incentive to minimize these efforts. Frankly, the regulated community is far from convinced that stormwater BMP's designed to infiltrate large volumes of stormwater comprise a practical, cost effective solution to the problem. However, even when an applicant appreciates the complexity of the system and elects to follow the current guidance in full, the guidance does not prescribe adequate characterization of subsurface conditions. It is quite common to find sites that have relatively well drained soils that would appear adequate for infiltration purposes after conducting the minimum required number of percolation and or/double ring infiltrometer tests. But the minimum testing will not quantify depth to bedrock or the water table if it is located just below the reach of a backhoe, and will not quantify the ability of underlying aquifer to assimilate high volume, short term discharges of stormwater. The result is localized groundwater mounding, poorly draining BMP's, and often the discharge of groundwater in areas not intended for stormwater discharge such as basements and other structures. A frequent problem is that basins are typically designed and constructed, by necessity, at the lowest elevation of a site. These areas are typically groundwater discharge zones and are therefore not ideal for infiltration. This is a situation that needs to be characterized at the beginning of the project before the BMPs are designed and constructed.

It is our opinion that if the Department has a sincere desire to raise the professional bar with respect to BMP design, then any revised stormwater regulations should mandate the performance of sufficient site characterization as outlined in the BMP manual, and that the BMP manual Appendix C should be significantly rewritten to provide detailed guidance that requires subsurface investigations that would be similar to those required for the design and permitting of large volume community wastewater disposal systems.

Respectfully submitted,

David Farrington, P.G.

PCPG President

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Chambers, Laura M.INDEPENDENT REGULATORY
REVIEW COMMISSION

From: Louis Vittorio [lvittorio@earthres.com]
Sent: Monday, November 30, 2009 5:00 PM
To: EP, RegComments
Cc: Farrington, Dave
Subject: Comments on Draft Amendments to 25 Pa Code Chapter 102

Dear EQB Members:

Thank you for the opportunity to provide comments on the draft amendments to 25 Pa. Code Chapter 102 (relating to erosion and sediment control and stormwater management) published in the PA Bulletin on Saturday August 29, 2009. The Comments from PCPG are attached to this e-mail and are sent on behalf of our membership from David Farrington, P.G., PCPG's President.

Please feel free to contact myself or Mr. Farrington of PCPG should you require any additional information.

Sincerely,

Louis F. Vittorio, Jr., P.G.
PCPG Director

Pennsylvania Council of Professional Geologists



www.pcpge.org

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